Town of Veazie
Chapter 15 - Land Use

Adopted:
June 22, 2009
Amended:
September 8, 2014
July 24, 2017
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August 23, 2021

TRUE ATTESTED
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15.01. GENERAL

15.01.01. Title

This Ordinance and the accompanying zoning map or maps shall be known and may be cited as the Land Use Ordinance of the Town of Veazie, Maine and will be referred to herein as "the Ordinance."

15.01.02. Authority

This Ordinance has been adopted pursuant to Home Rule Powers as provided for in Article VIII, Part Second of the Maine Constitution and 30-A M.R.S.A.§§ 2101 et seq. and pursuant to Title 30-A M.R.S.A. §§ 3001 et seq. and 4352, and Title 38 M.R.S.A. §§ 435-449.

15.01.03. Purpose

The purpose of this Ordinance is to:

15.01.03.01.
Promote the comfort, convenience, health, safety, and general welfare of the residents of the Town of Veazie in a manner that serves to balance the interests of the general public of the Town of Veazie and those of individual property owners;

15.01.03.02.
Give effect to policies and proposals of the Veazie Comprehensive Plan;

15.01.03.03.
Promote the formation of community units;

15.01.03.04.
Guide future growth in the Town of Veazie;

15.01.03.05.
Conserve, protect and enhance the natural, cultural and historic resources of the Town of Veazie;

15.01.03.06.
Provide standards for all types of dwelling units so that all the people of Veazie may have access to decent, sound and sanitary housing in accordance with the goals of the Federal Housing Act of 1949, among which is the provision of adequate zoning to meet a fair share of the Town's housing needs;

15.01.03.07.
Provide an adequate street system;

15.01.03.08.
Promote traffic safety;

15.01.03.09.
Provide standards to control the intensity of development in areas of sensitive or significant natural resources in order to reduce or eliminate adverse environmental impacts;

15.01.03.10.
Provide safety from fire, flood, panic and other dangers;

15.01.03.11.
Provide adequate privacy, light and air;

15.01.03.12.
Protect the tax base by facilitating cost-effective development within the Town of Veazie;

15.01.03.13.
Promote the development of an economically sound and stable community;

15.01.03.14.
Promote economy in local governmental expenditures;

15.01.03.15.
Conserve the values of property throughout the Town of Veazie;

15.01.03.16.
Promote a wholesome home environment;

15.01.03.17.
Encourage the most appropriate use of land throughout the municipality;

15.01.03.18.
Prevent overcrowding of real estate;

15.01.03.19.
Prevent housing development in unsanitary areas;

15.01.03.20.
Promote the coordinated development of unbuilt areas;

15.01.03.21.
Provide an allotment of land area in new developments sufficient for all requirements of community life;

15.01.03.22.
Provide for adequate public services;

15.01.03.23.
Protect landowners from adverse impacts of adjoining developments;

15.01.03.24.
Protect the environment;

15.01.03.25.
Prevent and control water pollution;

15.01.03.26.
Protect fish spawning grounds, aquatic life, bird and other wildlife habitat;

15.01.03.27.
Protect buildings and lands from flooding and accelerated erosion;

15.01.03.28.
Protect archaeological and historic resources;

15.01.03.29.
Protect wetlands;

15.01.03.30.
Control building sites, placement of structures and land uses;

15.01.03.31.
Conserve natural beauty and open space;

15.01.03.32.
Conserve shore cover, visual as well as actual points of access to inland coastal and waters;

15.01.03.33.
Maintain hydrologic drainage features;

15.01.03.34.
Minimize municipal maintenance costs;

15.01.03.35.
Anticipate and respond to the impacts of development in shoreland areas;

15.01.04. Applicability

This Ordinance shall apply to all land and structures within the Town of Veazie. All buildings or structures hereinafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land, including the division of land, in the Town of Veazie, shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as provided for in this Ordinance.

15.01.05. Severability

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

15.01.06. Conflicting Ordinances or Laws

When any provision of this Ordinance conflicts with any other provision of this Ordinance or with any other Federal, State or local rule, regulation, ordinance, statute or other restriction, the more restrictive provision shall control.

15.01.07. Omitted Uses Prohibited

It is the intent of this Ordinance that any use not specifically allowed as a permitted use is specifically prohibited.

15.01.08. Effective Date

This Ordinance or any amendments thereto, shall take effect thirty (30) calendar days following its/their adoption by the Town Council. The adoption of this Ordinance or any amendment hereto hereby repeals and superseded all conflicting land use provisions of all ordinances adopted prior to the effective date of this Ordinance.

15.01.09. Planning Board

15.01.09.36. Organization

The Board shall consist of five (5) members and two (2) associate members, all of whom shall be residents of the Town of Veazie. The members of the Board shall be appointed by the Town Council for staggered terms of three (3) years and the associate members shall be appointed for one (1) year terms. The Board shall annually elect, from among its members, a chairman, vice-chairman and secretary. A person shall forfeit his membership on said Board if he fails to attend three (3) meetings of the Board in any one calendar year without being excused by the Board. When a member is unable to act because of absence, conflict of interest, physical incapacity, or any other reasons satisfactory to the chairman, the chairman shall designate an associate member to act in his/her stead.

When designated by the chairman to act, an associate member shall have all the authority and responsibility of a member but the associate member may not hold any office on the Board.

In the event that a vacancy shall occur with respect to said Board by non-acceptance of appointment, resignation, abandonment, death, disability, incompetency, forfeiture or failure to qualify after written demand from the Town Council, the Town Council shall appoint a resident of the Town of Veazie to fill the unexpired term.
An associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when he has been designated by the chairman to act for a member.

Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members, excluding the member who is being challenged.

15.01.09.37. Authority

The Planning Board shall have all the authority and all the duties set out in the provisions of the State of Maine statutes and this Ordinance relating to municipal planning boards or municipal reviewing authorities. The chairman shall call at least one (1) regular meeting of the Board each month. No meeting of the Board shall be held without a quorum consisting of three (3) members or associate members authorized to vote. The Board shall act by majority vote of the members present and voting.

15.01.10. Amendment

The Veazie Town Council may, on its own initiative or upon the written request of the Planning Board, and shall, on the written petition of a number of registered voters equal to at least ten percent (10%) of the number of votes cast in the Town of Veazie at the last gubernatorial election, adopt amendments to this Ordinance, but in no case less than ten (10) days after the Planning Board's receipt of a proposed amendment.

15.01.10.01.

At least ten (10) days prior to the Council's vote on any proposed amendment, the Planning Board shall hold a public hearing on the proposed amendment. The hearing shall take place within thirty (30) days after the Planning Board's receipt of a proposed amendment.

15.01.10.02. Notice of hearing shall be given in the following manner:

15.01.10.02.01. Published Notice

Notice of the hearing shall be published at least two (2) times in a newspaper that complies with 1 M.R.S.A § 601 that has a general circulation in the Town of Veazie, with the date of the first publication at least fourteen (14) days prior to the hearing date and the date of the second publication at least seven (7) days before the hearing date.

15.01.10.02.02. Posted Notice

Notice of said hearing shall be posted in the municipal office at least fourteen (14) days prior to the hearing date.

15.01.10.02.03. Content of Notice

Notices given pursuant to this section shall be written in plain English, understandable to the average citizen, and shall summarize or state the text of the proposed amendment, identify proponent of the proposed amendment, describe the property involved, state the date, time and place of the hearing, and explain how the recipient of the notice may attend and present evidence.

15.01.10.02.04. Additional Mailed Notice

15.01.10.02.04.01. Industrial, Commercial or Retail

When a proposed amendment will, within a geographically specific portion of the Town, have the effect of either prohibiting all industrial, commercial or retail uses where any such uses are currently permitted, or permitting such uses where any such uses are currently prohibited, for each parcel within the Town that is in or abutting the portion of the Town affected by the proposed amendment, notice shall also be mailed at least fourteen (14) days prior to the hearing by first class mail to the owner of each such parcel. This notice must contain a copy of a map indicating the portion of the Town affected by the proposed amendment. Ownership and mailing addresses shall be determined as in the previous paragraph.

The municipal officers shall prepare and file with the Town Clerk a written certificate indicating those persons to whom notice was mailed and at what addresses, when it was mailed, by whom it was mailed, and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate.

15.01.10.02.04.02.
Following a hearing, the Planning Board shall, by majority vote, make a recommendation as to whether the proposed amendment ought to be adopted or ought not to be adopted. The Planning Board's recommendation and its reasons therefore shall be presented to the Town Council in writing at the meeting at which Council will take action on the proposed amendment.

15.01.10.02.04.03.
Prior to voting on any proposed amendment, the Town Council may conduct a hearing thereon, with notice of said hearing given in the same manner as prescribed for the adoption of any other ordinance. If the Planning Board recommends a proposed amendment, such amendment may be adopted by a majority vote at a duly constituted meeting of the Town Council. If the Planning Board does not recommend a proposed amendment, such amendment may be adopted only by a two-thirds (2/3) majority vote at a duly constituted meeting of the Town Council. If the Planning Board does not recommend a proposed amendment, such amendment may be adopted only by a two-thirds (2/3) majority vote at a duly constituted meeting of the Town Council.

15.01.11. Availability
A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability shall be posted at such locations as notices of public meetings are typically posted.

15.02. ESTABLISHMENT OF ZONES

15.02.01. Classes of Zones
For purposes of this Ordinance, the Town of Veazie is hereby divided into the following general zones:

- Residential (R)
- Residential and Farming (RF)
- Commercial (C)
- Industrial (I)

15.02.02. Purposes of Zones

15.02.02.01. Residential
The Residential (R) Zone is established primarily for contemporary single-family dwellings. Other Uses permitted in the zone are those which are harmonious in exclusively residential neighborhoods in the Town of Veazie.

15.02.02.02. Residential and Farming

Encompassing much of the area removed from the Residential Zone, the RF Zone is intended for the kinds of uses which have traditionally predominated in rural New England: forestry and farming, farm residence, and a scattering of varied uses not inconsistent with a generally open, non-intensive pattern of land use.
The minimum lot size requirement is high in order to prevent over-development where public sewers are not feasible and where a full range of urban services cannot be provided economically.

15.02.02.03. Commercial

The Commercial (C) Zone is intended primarily for commercial uses to which the public requires easy and frequent access. Centrally located and easily accessible, the zone is intended to encourage the concentration of commercial development to the mutual advantage of customers and merchants.

15.02.02.04. Industrial

The Industrial (I) Zone is to provide land which is conveniently located with respect to transportation corridors and municipal and where other conditions are favorable to the development of industry, and which at the same time is so located as to prevent undesirable conflict with residential and other uses.

Processing, manufacturing, warehousing and other industrial uses which are not injurious or noxious by reason of noise, smoke, vibration, gas, fumes, odor, dust, fire or explosion hazard are typical permitted uses with site plan approval, but not residential uses. The I Zone includes the following types of areas:

15.02.02.04.01.
Areas of two (2) or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

15.02.02.04.01.01.
Areas devoted to manufacturing, fabricating or other industrial activities;

15.02.02.04.01.02.
Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

15.02.02.04.01.03.
Areas devoted to intensive recreational development and activities such as, but not limited to amusement parks, race tracks and fairgrounds.

15.02.02.04.02.
Areas otherwise discernible as having patters of intensive commercial, industrial or recreational uses.

15.02.03. Location of Zones

Zones established by this Ordinance are bounded and defined as shown on the official Zoning Map, and the official Shoreland Zoning Map of the Town of Veazie, which, together with all notations and explanatory materials contained thereon, are hereby made a part of this Ordinance. The official maps shall be signed by the Town Clerk and Chairman of the Planning Board at the time of adoption or amendment of this Ordinance, certifying the date of such adoption or amendment, and shall be filed at the municipal offices of the Town of Veazie.

15.02.04. Interpretation of Zone Boundaries

Where uncertainty exists as to boundary lines of districts as shown on the zoning maps, the following rules shall apply:

15.02.04.01.
Boundaries indicated as approximately following the center liens of street, highways, public utilities or railroad rights-of-way shall be construed as following such center lines.

15.02.04.02.
Boundaries indicated as approximately following platted lot lines or Town boundaries shall be construed as following such lines.

15.02.04.03.
Boundaries indicated as being parallel to or extensions of features listed above shall be so construed.

15.02.04.04.
Distances not specifically indicated on the official may shall be determined by the scale of the map.

15.02.04.05.
Where physical or natural features existing on the ground are at variance with those shown on the official map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Board of Appeals shall interpret the district boundaries, provided, however, that in all cases the determination of any setback from the high-water mark shall be determined by actual site measurement.

15.03. LAND USE ACTIVITIES AND STANDARDS

15.03.01. Generally

Uses shall be permitted in each zone only in accordance with the following table. Uses not indicated as permitted, with or without Planning Board, Code Enforcement Officer or Local Plumbing Inspector approval, and uses not listed on the table, are expressly prohibited.

KEY TO TABLE
Yes - Allowed (no permit required but use must comply with all applicable land use standards)
No - Prohibited
PB - Allowed with approval by the Planning Board and permit issued by Code Enforcement Officer
CEO - Allowed with permit issued by Code Enforcement Officer LPI - Allowed with permit from Local Plumbing Inspector
S - Same as underlying zone

USES		R	RF	C	I
1.	Agriculture I	CEO	CEO	No	Yes
2.	Agriculture II	No	CEO	No	Yes
3.	Aquaculture	No	No	No	PB
4.	Automobile Repair Garage	No	No	PB	PB
5.	Automobile Service Station	No	No	PB	PB
6.	Boarding, or Rooming	PB	PB	No	No
7.	Campground	No	PB	No	No
8.	Cemetery	No	PB	No	No
9.	Child Care I	CEO	CEO	No	No
10.	Child Care II	PB	PB	No	No
11.	Child Care III	No	No	PB	No
12.	Church	PB	No	No	No
13.	Clearing vegetation for approved construction and uses	Yes	Yes	Yes	Yes
14.	Cluster subdivision	PB	PB	No	PB
15.	Commercial Establishment	No	No	PB	PB
16.	Communications Facility	PB	PB	PB	PB
17.	Reserved				
18.	Dwelling, Multifamily I	PB	PB	PB	PB
19.	Dwelling, Multifamily II	PB	PB	PB	PB
20.	Dwelling, Single Family	CEO	CEO	CEO	CEO
21.	Dwelling, Two Family	CEO	CEO	CEO	CEO
22.	Emergency Operations	Yes	Yes	Yes	Yes
23.	Essential Services, Construction of	PB	PB	PB	PB
24.	Expansion of Conforming Use or Structure by the Lesser of 20%area or 1000 sq. ft./5 yrs.	CEO	CEO	CEO	CEO
25.	Filling and earthmoving > 10 cubic yards	CEO	CEO	CEO	CEO
26.	Filling and earthmoving < 10 cubic yards	Yes	Yes	Yes	Yes
27.	Fire Prevention Activities	Yes	Yes	Yes	Yes
28.	Food Processing Facility	No	No	No	PB
29.	Forest Management Activities	Yes	Yes	Yes	Yes
30.	Government Facilities	PB	No	PB	PB
31.	Greenhouse, Noncommercial	CEO	CEO	No	No
32.	Harvesting Wild Crops	Yes	Yes	Yes	Yes
33.	Home Occupation I	CEO	CEO	No	No
34.	Home Occupation II	PB	PB	No	No
35.	Hospital	No	No	PB	PB
36.	Industrial	No	No	No	PB
37.	Kennel, Non-commercial	CEO	CEO	No	No
38.	Medical Clinics	No	No	PB	No
39.	Reserved				
40.	Reserved				
41.	Mineral Exploration	PB	PB	PB	PB
42.	Mineral (including sand & gravel) Extraction	No	PB	No	PB
43.	Mobile Home Parks	No	PB	No	No
44.	Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes
45.	Municipal Facilities	PB	PB	PB	PB
46.	Newspaper Printing Plant	No	No	No	PB
47.	Normal Repair and Maintenance	Yes	Yes	Yes	Yes

48.	Nursing Home	PB	PB	PB	No
49.	Parking Garage	No	No	PB	No
50.	Parking Lot	No	CEO	CEO	CEO
51.	Passive Recreation	Yes	Yes	Yes	Yes
52.	Private Club	No	No	PB	No
53.	Private Sewage Disposal Systems for Allowed Uses	LPI	LPI	No	No
54.	Professional Office Building	PB	PB	PB	PB
55.	Public Utility	PB	PB	PB	PB
56.	Recreational Areas with Minimal Structural Development	CEO	CEO	No	No
57.	Research Laboratory	No	No	PB	PB
58.	Road and Driveway Construction	CEO	CEO	CEO	CEO
59.	Roadside Stands	CEO	CEO	CEO	CEO
60.	Sawmill, Permanent	No	No	No	PB
61.	School, Private	PB	PB	PB	No
62.	Service Drops to Allowed Uses	Yes	Yes	Yes	Yes
63.	Service Establishment	No	No	PB	PB
64.	Signs	CEO	CEO	CEO	CEO
65.	Small Nonresidential Facilities for Education	CEO	CEO	CEO	CEO
66.	Soil and Water Conservation	Yes	Yes	Yes	Yes
67.	Stables, Commercial	No	PB	No	No
68.	Subdivisions	PB	PB	PB	PB
69.	Surveying & Resource Analysis	Yes	Yes	Yes	Yes
70.	Timber Harvesting < 20 Cords Per Year	Yes	Yes	Yes	Yes
71.	Timber Harvesting>20 Cords Per Year	CEO	CEO	CEO	CEO
72.	Transient Accommodations	No	PB	PB	No
73.	Transportation Facilities	No	No	CEO	CEO
74.	Funeral Home	PB	PB	PB	PB
75.	Veterinary Hospital	No	No	PB	PB
77.	Wildlife Management Practices	Yes	Yes	Yes	Yes
78.	Wireless Telecommunications Facilities	No	No	No	PB

15.03.02. Accessory Uses and Structures

Uses or structures accessory to permitted uses and structures are permitted in the same zones as the permitted uses or structures, subject to the same review requirements as the permitted uses or structures.

If it is the explicit or implicit intent of this Ordinance that there shall be minimal or no structural development in a particular zone, all accessory structures shall be subject to the same limitation.

15.03.03. Performance Standards

All land use activities permitted in accordance with the table above, regardless of whether they require a permit or approval from the Planning Board, Code Enforcement Officer or Licensed Plumbing Inspector, shall comply with all applicable standards set forth in this section and in Sections 15.04.06, 15.05. {except that essential service may be exempt from the lot size, road frontage, lot width, & height requirements when in the opinion of the Planning Board there is no reasonable alternative. amend 8/21/95)}

15.03.04. Lot Development Standards

All distances and heights in this section, unless otherwise stated, are in feet.

Residential (R)

- Minimum lot size: 15,000 square feet
- Minimum road frontage: 90
- Minimum lot width: 90
- Minimum front setback: { 10 except that frontages on State Street, Chase Road, and School Street from State Street to Eagleview Drive shall be 20. (Amend3/22/99)}
- Minimum side setback: 10
- Minimum rear setback: 20 except that accessory structures may be 10
- Maximum lot coverage: 30%
- Maximum height: 35
- Maximum gross density in subdivision: 1 dwelling unit per acre of buildable area
- Maximum net density in cluster subdivisions: 3 dwelling units per acre of net buildable area

Residential and Farming (RF)

- Minimum lot size: 40,000 square feet (must meet applicable septic codes)
- Minimum road frontage: 90
- Minimum lot width: 90
- Minimum front setback: {10 except that frontages on State Street, Chase Road, Stillwater Ave. and School Street from State Street to Eagleview Drive shall be 30. (Amend 3/22/99)} Added Stillwater Ave.
- Minimum side set back: 15
- Minimum rear setback: 30
- Maximum lot coverage: 25%
- Maximum height: 35
- Maximum gross density in Subdivision: 1 dwelling unit per acre of buildable area
- Maximum net density in cluster subdivisions: 3 dwelling units per acre of net buildable area
- Maximum net density for cluster subdivisions and multifamily dwellings: 4 dwelling units per acre of net buildable area
-

Commercial (C)

- Minimum lot size: 10,000 square feet
- Minimum road frontage and lot width: 90
- Minimum front setback: 10
- Minimum side setback: 10
- Minimum rear setback: 10
- Maximum lot coverage: 60%
- Maximum height: 35

Industrial (I)

- Minimum lot size: 43,560 square feet
- Minimum road frontage and lot width: 50
- Minimum front setback: 25
- Minimum side setback: 15, provided that the side setback shall be increased by one (1) foot for every two (2) feet of building or structure height above fifteen (15) feet

- Minimum rear: 25, provided that the rear setback shall be increased by one (1) foot for every two (2) feet of building or structure height above fifteen (15) feet
- Maximum lot coverage: 60%
- Maximum height: 35 feet {except that with separate Veazie Town Council approval structures may be 120 feet and smoke stacks may meet but not exceed the stack height requirement set by the Maine DEP pertaining to dispersion of pollution emissions.

The above front setback, side setback, and minimum rear requirements shall not apply with respect to contiguous lots within the Industrial Zone, when the owner(s) of the abutting lot(s) within the Industrial Zone execute a written agreement and consent to the reduction of the setbacks; provided that even with such agreement and consent in no event shall any building located in the Industrial Zone be less than 25 feet from the building located on a contiguous lot. The owners shall record their agreement within 90 days of its execution in the Penobscot Registry of Deeds, and submit a copy of the recorded agreement to the Planning Board. (amend 7/13/98)}.

15.04. NONCONFORMITY

15.04.01. Defined

A legally existing (grandfathered) nonconforming lot, structure or use is a lot, structure or use that lawfully existed immediately prior to the enactment of this Ordinance, or any subsequent amendment, and which, as a result of the enactment of this Ordinance, or any subsequent amendment, presently fails to comply with the use restrictions and lot standards for the zone in which it is located. Any other lot, structure or use that fails to comply with any of the requirements of this Ordinance or its amendments is an illegal nonconformity.

15.04.02. General Policies

15.04.02.01.

All nonconformities shall be encouraged to convert to conformity whenever possible and, when required by this Ordinance, shall convert to conformity.

15.04.02.02.

Any nonconformity not expressly allowed to exist by this section is hereby deemed illegal and shall cease or be corrected immediately.

15.04.02.03.

The burden of establishing that any nonconformity is a legal nonconformity shall, in all cases, be upon the owner of such nonconformity and not upon the Town of Veazie.

15.04.02.04.

Any legally existing nonconformity may be transferred and the new owner may, subject strictly to the requirements of this section, continue such nonconformity, provided, however, that nothing contained herein shall be construed to permit any person or entity to occupy or use any lot or structure or to continue any use in violation of any other Federal, State or Municipal statute, ordinance or regulation.

15.04.02.05.

Once converted to conformity, no lot, structure or use shall revert to nonconformity.

15.04.02.06.
Nothing herein shall require any change in the plans, construction, size or designated use for any building, structure or part thereof for which a completed application for a local permit is pending, or for which a permit has been issued and upon which construction has been lawfully commenced, prior to the adoption of this Ordinance or any amendment.

15.04.02.07.
Nothing in this Ordinance shall be construed to prohibit the normal upkeep and maintenance of nonconforming uses or structures that do not involve the expansion of the use or structure and which are necessary to ensure compliance with Federal, State or local building and safety regulations.

15.04.03. Nonconforming Uses of Land or Structures

The use of any land or structure which is made nonconforming as a result of the enactment of this Ordinance, or any subsequent amendment, may be continued, but only in strict compliance with the following:

15.04.03.01.
No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than such use occupied when it became nonconforming, provided that nonconforming residential uses may be expanded within existing residential structures or within expansions of such structures as permitted by Section 15.04.04.01.

15.04.03.02.
Except as provided in the preceding paragraph, no existing structure devoted partially or entirely to a nonconforming use shall be extended or enlarged.

15.04.03.03.
Any legally existing nonconforming use of land or a structure may be changed to another nonconforming use provided that the Planning Board.

15.04.03.03.01.
Finds that the proposed use will have no greater adverse impact on the subject and adjacent properties and resources, than the existing use (In determining that no greater adverse impact will occur, the Planning Board, shall at a minimum require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources; and

15.04.03.03.02.
Grants site plan approval upon a finding that the proposed use meets all standards set forth in Section 15.04. except those that cause the existing use to be nonconforming.

15.04.03.03.03.
If any nonconforming use of land or a structure ceases or is discontinued for any reason for a period of twelve (12) or more consecutive months, any subsequent use of such land or structure shall conform to the requirements of this Ordinance in all respects.

15.04.03.03.04.
A nonconforming use or conforming structure housing a nonconforming use may be moved within a lot provided that the Planning Board finds that the proposed new location and design are more appropriate than the current location.

15.04.04. Nonconforming Structures

Any structure which is made nonconforming as a result of this Ordinance, or any subsequent amendment, may be continued, but only in strict compliance with the following:

15.04.04.01.
No structure shall be enlarged, altered or extended in any way that increases its nonconformity. Any enlargement, alteration or extension that does not project past existing wall, foundations or eaves that already encroach into the required setback area shall not be considered to increase a structure's nonconformity. However, the following limitations shall apply to nonconforming structures in any shoreland zone:

15.04.04.01.05.
Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that:

15.04.04.01.05.01.
The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, considering the size of the lot, the slop of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and on other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed; and

15.04.04.01.05.02.
The foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side to the structure (from original ground level to the bottom of the first floor sill).

15.04.04.02.
A nonconforming structure may be relocated within the boundaries of the lot on which the structure is located provided that the Planning Board finds that the proposed new location and design are more appropriate than the current location; provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the **State of Maine Subsurface Wastewater Disposal Rules**, or that a new system can be installed in compliance with the law and said rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback requirements to the greatest practical extent, the Planning Board, or its designee, shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:
Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be re-established within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees or a combination thereof.

15.04.05. Nonconforming Lots

15.04.05.01.

Notwithstanding any other provision of this Ordinance, in any district in which single family residences are permitted, a single family residence and customary accessory structures may, without the need for a variance, be built upon a single, vacant parcel of land, the legal description or dimensions of which are recorded on a document or map on file at the Penobscot County Registry of Deeds, which, at the effective date of this Ordinance or any other amendment, does not meet the lot area, frontage or width requirements, of the district in which it is located, and which does not adjoin another vacant parcel in common ownership and {notwithstanding any other provision of this Ordinance, , the legal description of dimensions of which are recorded on a document or map on file at the Penobscot County Registry of Deeds, which on January 1, 1958 (approximate date of first zoning in the Town of Veazie) encompassed less than 4,000 square feet of area, and which does not adjoin another vacant parcel in common ownership, a single family residence and customary accessory structures may, without the need for a variance, be built or expanded up to 50% lot coverage (amend 5/13/96)}, but only subject to the following:

15.04.05.01.01.

Such building or construction shall, in all other respects, comply with the provisions of this Ordinance.

15.04.05.01.02.
No construction shall be commenced until the owner demonstrates to the satisfaction of the Code Enforcement Officer that there is reasonable access to the site for emergency vehicles.

15.04.05.02.
Two (2) or more contiguous nonconforming vacant parcels of land in common ownership shall be consolidated to form one (1) or more lots conforming so far as possible to the lot standards of the zone in which the parcels are located.
If at least one (1) fully conforming lot may be formed, no nonconforming lot or lots shall be formed or allowed to remain and the contiguous parcels shall, for purposes of this Ordinance, be treated as one (1) lot which shall not be divided. If no combination of the contiguous parcels can form at least one (1) fully conforming lot, then all of the contiguous parcels shall, for purposes of this Ordinance, be treated as one (1) lot which shall not be divided.

15.04.05.03.
One (1) or more vacant parcels of land that adjoin a nonconforming lot in common ownership containing a building or structure shall be consolidated with the improved lot to the extent necessary to bring the improved lot into conformity so far as possible with the dimensional requirements of this Ordinance.

If the remaining portion of the vacant parcels constitutes a conforming lot, said remaining portion shall constitute a separate lot. Otherwise, the vacant parcel (s) and the improved lot shall constitute one (1) lot and shall not be divided.

15.04.05.04.
If two (2) or more contiguous nonconforming lots in common ownership of record at the time of the adoption of this Ordinance each contain a principal use or structure, the nonconforming lots may be conveyed separately or together provided that the Town of Veazie minimum lot size regulation and State of Maine Subsurface Wastewater Disposal Rules are complied with. Otherwise, such lots shall remain in common ownership.

15.04.06. General Review Standards

The Planning Board, before granting site plan approval in accordance with the Town of Veazie Site Plan Review Ordinance, must find that the proposed plan will comply with each of the following standards. In all instances the burden of proof shall be upon the applicant.

15.04.06.01. Permitted Uses

Any proposed use must be a permitted use with site plan approval, as determined by reference to 15.2 for each zone in which it is proposed.

15.04.06.02. Lot Standards

Any proposed development must meet lot development standards set forth in 15.03.04., for each zone in which it is proposed, subject to the following:

15.04.06.02.01. Setbacks

15.04.06.02.01.01.
Setbacks distances shall be measured from lot lines.

15.04.06.02.01.02.
In any subdivision in which lots are not created, the distance from the side of one principal building to the side of another principal building shall be no less than twice the distance of the side yard setback in the zone. The distance from the side of one principal building to the front of another principal building shall be no less than twice the distance of the front yard setback in the zone. The distance from the side of one principal building to the back of another principal building shall be no less than twice the distance of the rear yard setback in the zone.
The distance from the front of one principal building to the front or back of another principal building shall be no less than twice the distance of the front yard setback in the zone. The distance from the back of one principal building to the back of another principal building shall be no less than twice the distance of the rear yard setback in the zone.

15.04.06.02.01.03.
No newly created off street parking space, loading space or maneuvering space for off street parking, shall be located within any front or side setbacks.

15.04.06.02.01.04.
The following structures, subject to the limitations set forth below, are not subject to the setback requirements of the zone in which they are located provided that no such structure shall be constructed in such a way as to obstruct visibility from the end of any driveway or to otherwise constitute a safety hazard:

15.04.06.02.01.04.01.
Fences are not more than eight feet (8') in height.

15.04.06.02.01.04.02.
Driveways and walks, only with respect to front setbacks.

15.04.06.02.01.04.03.
Septic tanks and leach fields, except as necessary to comply to State law.

15.04.06.02.01.04.04.
Signs, provided that no sign shall be located closer than five feet (5') to a lot line unless the setback requirement in that zone is less than five feet (5')

15.04.06.02.01.04.05.
Lights and mailboxes.

15.04.06.03. Height
Any proposed structure must comply with the height limitations set forth in 15.3.4 for each zone in which it is proposed, provided that such requirements may be waived by the Planning Board to accommodate functional necessity, if clearly demonstrated by the applicant.

15.04.06.04. Frontage

15.04.06.04.01.
The use cul-de-sacs to meet frontage requirements is prohibited except at the end of dead-end streets.

15.04.06.04.02.
Cul-de-sacs that are temporary in nature shall not be used to meet frontage requirements and no buildings shall be built around that periphery of such cul-de-sacs.

15.04.06.04.03. Multiple Principal Structures on One Lot
If there is more than one (1) principal structure on a lot, the lot area, yard setback, and height requirements of the applicable zone shall apply separately to each building but the combined area occupied by the total number of buildings on the lot shall not exceed the maximum lot coverage requirement of the zone. However, in the event of a principal structure or structures comprised exclusively of dwelling units and/or accessory structures, all in the same ownership, on one lot, regardless of the number of separate or detached structures, the required minimum lot area shall be the minimum lot size stated for the applicable zone or the minimum area per family multiplied by the number of dwelling units, whichever is greater.

15.04.06.05. Compliance with Other Codes
All buildings and structures shall comply with all applicable provisions of the NFPA101 Life Safety Code.

15.04.06.06. Parking Requirements
Any site plan for an activity that can be expected to generate vehicular traffic shall provide for off street parking in accordance with the following:

15.04.06.06.01.
Off street parking shall always be considered a permitted accessory sue when required or provided to serve a conforming use in any zone.

15.04.06.06.02.
Required off street parking shall, if possible, be located on the same lot as the principal building or use that it serves.

Otherwise, off street parking may be provided on another lot within four hundred feet (400') of the principal building or use that it serves on the condition that the applicant provides assurances satisfactory to the Planning Board and the Town attorney that such parking shall be available at all times during the anticipated life of the principal building or use that it serves.

15.04.06.06.03.
The following minimum off street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises.

In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

15.04.06.06.03.01. Dwellings:
2 parking spaces for each dwelling unit;

15.04.06.06.03.02. Transient Accommodations and Boarding and Rooming Houses:
1 space for each employee plus 1 space for each guest room;

15.04.06.06.03.03. Schools:
1 parking space for each employee plus 1 space for each 30 students in primary school, 4 students in secondary school or 2 students in post-secondary school;

15.04.06.06.03.04. Health Institutions:
1 parking space for every 5 beds plus 1 space for each staff or visiting doctor, plus 1 space for each 4 employees;

15.04.06.06.03.05. Theatres, Churches and Other Places of Public Assembly:
1 parking space for every 5 seats or 20 spaces for every 1,000 square feet of assemblage space if not fixed seats;

15.04.06.06.03.06. Retail Stores:
4 parking spaces for every 1,000 square feet of sales area;

15.04.06.06.03.07. Restaurants, Eating and Drinking Establishments Except Drive in Types:
1 space for each 4 customers seats, plus 1 space for every 2 employees;

15.04.06.06.03.08. Drive In Restaurants and Dairy Stands:
10 spaces plus 1 space for each person serving or preparing food on the largest work shift employed at least once per week during July and August;

15.04.06.06.03.09. Professional Offices and Public Building:
1 parking space per 100 square feet of working area;

15.04.06.06.03.10. Other Commercial Recreation Establishments:
Minimum of 15 parking spaces or the number deemed appropriately by the Planning Board in site plan review;

15.04.06.06.03.11. Industrial:
1 parking space per employee at a minimum employment of the 2 shifts of highest employment, plus 1 space for each company vehicle used in conjunction with the premises, plus visitor and customer parking to meet the needs of specific operations;

15.04.06.06.03.12. Fraternal Organizations and Clubs:
1 space for every 5 members;

15.04.06.06.03.13. Campgrounds:
200 square feet plus maneuvering space per recreational vehicle, tent or shelter site;

15.04.06.06.03.14. Wholesale Business:
1 space for each 300 square feet of floor space;

15.04.06.06.03.15. Roadside Farm Stands:
4 spaces;

15.04.06.06.03.16. Automobile Repair and Filling Stations:
1 space for each employee plus 1 space for each 50 square feet of floor area used for service work;

15.04.06.06.03.17. Funeral Parlors:
20 spaces;

15.04.06.06.03.18. Banks:
1 space per 150 square feet of floor space;

15.04.06.06.03.19. Boarding or Rooming:
1 space per bed;

15.04.06.06.03.20. Uses Not Otherwise Listed:
A number of spaces as determined by the Planning Board based on the magnitude of the development and potential parking needs.

15.04.06.06.03.21.
The minimum number of off street parking spaces shall not be required of nonconforming structures or uses currently not meeting parking space requirements in the case of alterations to structure or changes of use which would not increase the parking demand.

The Code Enforcement Officer, when reviewing permit and site plan review applications involving alterations or changes of nonconforming structures or uses, shall make a determination whether such alterations or changes increase parking demand above existing use, with reference to the minimum parking requirements as set forth above.

15.04.06.07. Parking Areas and Driveways

All site plans shall comply with the following standards for parking areas and driveways:

15.04.06.07.01.
There shall be adequate provision for entrance and exit from all parking spaces with the width of access drives or driveways determined as part of site plan review, based on the proposed use of the property, topography, and similar conditions.

15.04.06.07.02.
To the greatest extent possible, access to parking stalls should not be from major interior travel lanes or from public ways.

15.04.06.07.03.
Parking areas shall be designed to permit each vehicle to proceed to and from any parking stall without requiring the moving of any other vehicle.

15.04.06.07.04.
Parking stalls and aisle layout shall comply with the following standards:

PARKING ANGLE	STALL WIDTH	SKEW WIDTH	STALL DEPTH	AISLE WIDTH
90º	9′0″	9′0′	18′5″	25′0″
60°	8′6″	10′5″	18′0″	18′0″
45º	8′6″	12′9″	17′5″	13′0″
30°	8′6″	17′0″	17′0″	12′0″
0º				12′0″

15.04.06.07.05.
Only one-way traffic shall be permitted in aisles serving single-row parking stalls placed at an angle of other than ninety degrees (90°).

15.04.06.07.06.
Parking stalls, driveways, aisles and direction of traffic flow shall be clearly marked and delineated by arrows and lines painted on the pavement, by signs or otherwise. The Planning Board may require that certain areas be designated, marked and maintained for firefighting equipment or other emergency vehicles or purposes.

15.04.06.07.07.
Major interior travel lanes shall be designed to allow for continuous and uninterrupted traffic movement.

15.04.06.07.08.
Devices such as guardrails, curbs, fences, walls and landscaping shall be used when necessary to identify circulation patterns of parking areas and to restrict driving movements diagonally across the parking aisles but shall not reduce the visibility of oncoming pedestrians or vehicles.

15.04.06.07.09.
When deemed necessary by the Planning Board for the safety of pedestrians, sidewalks shall be provided between parking areas and principal structures, along aisles and driveways, and wherever pedestrian traffic shall occur.

Such sidewalks shall have a minimum of four feet (4′) of passable width, and shall be raised six inches (6″) or more above the parking area except where the sidewalks cross streets or driveways. Guardrails or wheel stops permanently anchored to the ground shall be provided in appropriate locations.

Parked vehicles shall not overhang or extend over sidewalks unless an additional two and one-half feet (2 ½') of sidewalk is provided to accommodate such overhang.

15.04.06.07.10.
New parking area for more than five (5) vehicles shall be arranged so that it is not necessary for vehicles to back into any street.

15.04.06.07.11.
Bumpers or wheel stops shall be provided where the overhangs of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways or damage landscaping, buildings or other structures.

15.04.06.07.12.
Any parking lot with an area over one (1) acre shall be provided with shade trees planted at representative points throughout the lot. There shall be at least one (1) tree planted for every thirty-five (35) parking spaces. All such trees shall, when placed, be at least four inches (4") in diameter at a height of four feet (4') from the ground.

15.04.06.07.13.
Parking space allocations shall be oriented to specific buildings or structures or uses.

15.04.06.07.14.
Parking areas should be designed to focus on major walkways, which should be fenced or marked.

15.04.06.07.15.
Where pedestrians must cross service or access roads to reach parking areas, crosswalks shall be clearly designated by pavement markings or signs and shall be lighted. Crosswalk surfaces should be raised slightly to designate them to drivers, unless drainage problems would result.

15.04.06.07.16.
Driveways should approach pedestrian exit areas from the right to permit passengers to disembark to the sidewalk.

15.04.06.07.17.
To the greatest extent possible, one way traffic should be established at building entrances.

15.04.06.07.18.
All entrance and exit driveways shall be located to afford maximum safety to traffic, provide for safe and convenient entrance and exit to and from the site and to minimize conflict with the flow of traffic.

15.04.06.07.19.
Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distances measured in each direction.

The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten feet (10') behind the curb line or edge of shoulder.

ALLOWABLE SPEED ON ROAD	REQUIRED SIGHT DISTANCE TO BE ENTERED
25 MILES PER HOUR	160'
40 MILES PER HOUR	275'
45 MILES PER HOUR	325'

15.04.06.07.20.
Where a lot occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located within fifty feet (50') of the point of tangency of the existing or proposed curb radius of that site. Access to the lot shall be provided across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

15.04.06.07.21.
No part of any driveway shall be located within a minimum of ten feet (10') of a side property line. However, the Planning Board shall permit a driveway serving two (2) or more adjacent sites to be located on or within ten feet (10') of a side property line between the adjacent sites.

15.04.06.07.22.
Where topographic and other conditions allow, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use when such driveway connection will facilitate fire protection services as approved by the Fire Chief or when such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

15.04.06.07.23.
Where two (2) or more two-way driveways connect a single site to any one (1) road, a minimum clear distance of one hundred feet (100') measured along the right-of-way line shall separate the closest edges of any two (2) such driveways. If one driveway is two way and one is a one way driveway, the minimum distance shall be seventy five feet (75').

15.04.06.07.24.
Driveways used for two way operation shall intersect the road at an angle of as near to ninety degrees (90°) as site conditions will permit and in no case less than sixty degrees (60º). Driveways used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty-five degrees (45°) with a road unless acceleration and deceleration lanes are provided.

15.04.06.07.25.
The dimensions of driveways shall be designed to accommodate adequately the volume and character of vehicles anticipated to be attracted daily to the development for which a site plan is prepared. The required maximum and minimum dimensions for driveways are indicated below.

Driveways serving large volumes of daily traffic or traffic of over fifteen percent (15%) truck traffic shall be required to utilize high to maximum dimensions.

	ONE WAY OPERATION DRIVEWAYS: WIDTH	TWO WAY OPERATION DRIVEWAYS: WIDTH
1 or 2 dwelling units	10'-15'	10'-15'
3 to 9 dwelling units	10'-15'	15'-25'
10 dwelling units or over	15'-25'	20'-35'
Commercial and Industrial	15'-30'	25'-35'

All driveways, except for those serving 1 or 2 dwelling units, shall be five feet (5') wider at the curb line and this additional width shall be maintained for a distance of twenty feet (20') into the site.

15.04.06.07.26.
At each driveway curb cut, no visual obstructions higher than three feet (3') above street level shall be allowed within ten feet (10') of the traveled way for a distance of twenty-five feet (25') from the intersection, measured along both the street and the driveway.

15.04.06.07.27.
Entrances and exits shall be clearly identified by the use of signs, curb cuts, and landscaping and shall comply with any applicable policies on curb cuts and street entrances.

15.04.06.07.28.
Access points from a public road to commercial and industrial operations shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

15.04.06.07.29.
Any driveway shall be constructed with the surface approved by the Planning Board. Such surface shall extend to the paved portion of the road and shall extend throughout the area defined by the required driveway dimensions specified above.

15.04.06.07.30.
Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Should the sidewalk be so close to the curb at a depressed curb driveway as to cause the ramp to be too steep and be likely to cause undercarriage drag, the sidewalk shall be appropriately lowered to provide a suitable ramp gradient.

15.04.06.07.31.
Driveways shall not have a grade in excess of fifteen percent (15%) over the entire length. On arterials, the grade shall not be more than five percent (5%) for the first twenty-five feet (25') from the road unless otherwise approved by the Planning Board. Except for pre-existing lots of record where the Planning Board determines that no other feasible alternative exists, driveways shall not be located where visibility is limited because of curves or topography.

15.04.06.07.32.
Where a driveway serves right turning traffic from a parking area providing two hundred (200) or more parking spaces and the road has an average daily traffic (A.D.T) volume exceeding seven thousand five hundred (7,500) vehicles, and acceleration lane shall be provided which is at least two hundred feet (200') long and at least ten feet (10') wide measured from the road curb line. A minimum thirty-five foot (35') curb return radius shall be used from the driveway to the acceleration lane.

15.04.06.07.33.
Where the same conditions exist as in the previous paragraph and a driveway serves as an entrance to a development, a deceleration lane shall be provided for traffic turning right into the driveway from the road.

The deceleration lane shall be at least two hundred feet (200') long and at least ten feet (10') wide measured from the road curb line. A minimum thirty-five foot (35') curb return radius shall be used from the deceleration lane into the driveway.

15.04.06.08. Loading Requirements

In connection with every building or group of buildings which is to be occupied by industrial, office, laboratory or commercial uses, or by uses involving distribution of material or merchandise by vehicles, there shall be provided and maintained off street loading berths in accordance with the requirements set forth below.

15.04.06.08.01.
Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers and containers for loading or storage shall not be located upon any town way.

15.04.06.08.02.
Each loading berth shall be at least twelve feet (12') wide, fifty-five feet (55') long, and fifteen feet (15') high, and no loading berth may occupy any part of any required front, side or rear setback.

15.04.06.08.03.
The following minimum off street loading berths shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the loading demand according to the standards set forth below, or any increase in the area used which increases such loading demand. In the event of such construction, alterations, change or increase, the entire premises or use, and not just the portion constructed, altered, changed or increased, shall become subject to the following requirements.

15.04.06.08.03.22. Health Institutions:
In addition to ambulance spaces, 1 berth for the first 10,000 to 30,000 square feet of gross floor space plus 1 additional berth for each additional 30,000 square feet of gross floor space or portion thereof.

15.04.06.08.03.23. Hotels and Offices:
1 berth if over 10,000 square feet of gross floor area;

15.04.06.08.03.24. Retail and Commercial Uses:
1 berth for the first 5,000 square feet of gross floor area or fraction thereof plus 1 berth for any floor area in excess of 5,000 square feet;

15.04.06.08.03.25. Schools:
1 berth if over 15,000 square feet of gross floor area;

15.04.06.08.03.26. Truck and Bus Terminals:
Sufficient berths, as determined by the Planning Board, to accommodate the maximum number of trucks or buses that will be stored, loaded or unloaded at the terminal at any one time.

15.05. STANDARDS FOR PARTICULAR USES, STRUCTURES OR ACTIVITIES

Notwithstanding and in addition to any other provision of this Ordinance, before granting site plan approval for any land use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable:

15.05.01. Signs and Advertising

All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Veazie are subject, regardless of the need for site plan approval:

15.05.02. General Standards

15.05.02.01. Safety and Neatness
All signs must be kept clean, neatly painted, and free of all hazards, such as, but not limited to, faulty wiring or loose fastenings, and must be maintained at all times in safe condition.

15.05.02.02. Removal of Signs for Discontinued Use
Any sign which no longer advertises a bona fide business conducted, product sold, activity or campaign being conducted, or public notice, shall within thirty (30) days, be taken down and removed by the owner, agent or person having the beneficial use of the premises upon which such sign is located. The provision shall not be construed to require the owners of seasonal businesses to remove signs at the end of each season.

15.05.02.03. Erected on Private Property Only
All signs must be located on private property, with the exception of official business directional signs as defined in 23 M.R.S.A. § 1903, and any other traffic or directional signs erected by the State or Federal government or by the Town of Veazie.

15.05.02.04. Nonconforming Signs
No sign shall hereafter be erected, altered, or changed except in conformity with the provisions of this Ordinance.

15.05.02.05. Nuisances or Welfare Hazards
No sign, whether new or existing, shall be permitted that causes a traffic, health, or welfare hazard, or results in a nuisance, due to illumination, placement, display or manner of construction.

15.05.02.06. Premises Abutting Residential Zones

No sign in a commercial or industrial zone shall be located closer than twenty-five feet (25') to any adjoining lot in a residential zone, and no sign shall be located in the rear or side yard of any premises which abut a lot in a residential zone.

15.05.02.07. Message Related to Premises Only

Except for permitted off premises signs, signs located on private property relating to goods or services not sold or rendered on that property are not permitted.

15.05.02.08. Moving Parts, Blinking, Banners

No sign shall have visible moving parts, blinking, intermittent, moving, or glaring illumination, or consist, in whole or in part, of banners, pennants, ribbons, streamers, spinners or other similar devices. Analog clocks, analog thermometers, national or state flags, and temporary banners permitted by this Ordinance, shall be permitted as the only exceptions to this paragraph.

15.05.02.09. String of Lights

A string of lights shall not be used for the purpose of advertising or attracting attention, provided, however, that this paragraph shall not be construed to prohibit Tivoli type stair tread and aisle safety lighting nor to prohibit the display of traditional Christmas decorations.

15.05.02.10. Outdoor Neon Signs

Outdoor neon signs are prohibited, except that neon signs containing only the words "Open", "Vacancy" or "No Vacancy" and limited to a maximum sign area of two (2) square feet are permitted for transient accommodations.

15.05.02.11. Trees, Poles, Natural Features

No sign shall be erected, maintained, painted, drawn or attached to or on any tree, utility pole, rock or other natural feature, except that this paragraph shall not be deemed to prohibit the attachment to rocks of metal commemorative plaques.

15.05.02.12. Size and Quantity

Unless otherwise restricted by this Ordinance, no free standing signs shall extend more than twenty feet (20') above the ground level at its base, as defined by the natural contour of the ground, nor more than six feet (6') above the roofline of any building.

15.05.02.13. Maximum Sign Area for Commercial Zones

In commercial zones, signs identifying uses or goods sold or services provided on the premises are permitted, provided that the aggregate area for signs for any premises shall not exceed two (2) square feet per one (1) foot of road frontage up to a maximum of two hundred (200) square feet. In the case of a multitenant building or premises, an individually leased commercial space shall not be considered a single premises, rather the allowable sign area will be calculated for the whole building based on road frontage, and the landlord will be responsible for allocating sign area among the tenants.

15.05.02.14. Public Buildings

A maximum sign area of fifty(50) square feet is permitted in connection with any church, museum, library, school, or similar public structure in any zone where such use is permitted, except that in any commercial zone the maximum area for such signs shall not exceed two hundred (200) square feet.

15.05.02.15. Apartments, Conforming Nonresidential Buildings in Residential Zones

Within residential zones, one (1) sign, with a maximum of twelve (12) square feet of area, is permitted for apartment buildings and conforming nonresidential buildings in residential zones, unless the use is otherwise regulated by this Ordinance.

15.05.02.16. For Sale, Rent, or Lease Signs

One (1) temporary sign, not exceeding twelve (12) square feet in area may be erected at the site of a construction project solely to identify the project and contractors and shall be removed within thirty (30) days after completion of the project.

15.05.02.17. Development or Construction Signs

One (1) temporary sign, not exceeding twenty (20) square feet in area may be erected at the site of a construction project solely to identify the project and contractors and shall be removed within thirty (30) days after completion of the project.

15.05.02.18. Entrance and Exit Directional Signs

Directional signs solely indicating entrance and exit placed at driveway locations, containing no advertising material or display area, not exceeding two (2) square feet, and not extending higher than four feet (4') above ground level are permitted.

15.05.02.19. Wall Signs

The maximum area of a wall sign shall not exceed ten percent (10%) of the wall area to which it is attached.

15.05.02.20. Window Signs

Window signs shall comply with all applicable requirements of these regulations, shall be included in the computation of allowable sign area of the premises, land shall not exceed fifty percent (50%) of the window area.

15.05.02.21. Awnings

Awnings shall have a minimum pedestrian clearance of eight feet (8') with any lettering limited to the valance.

15.05.02.22. Off Premises Signs

Off premise signs, including official business directional signs as defined in 23 M.R.S.A. § 1903, may be constructed erected or maintained only in accord with the following:

15.05.02.22.01.

Any commercial establishment may maintain up to two (2) off premises signs.

15.05.02.22.02.
Participation by establishments allowed off premises signs in the State Department of Transportation Official Business Directional Signs Program as set forth in the Maine Traveler Information Services Act, 23 M.R.S.A. § 1901, et seq. is permitted as long as the proposed signs meet the applicable size or area requirements.

15.05.02.22.03.
Off premises signs shall be directional only in nature.

15.05.02.22.04.
The maximum area of any off premises sign shall be limited dependent upon its location according to the following:

LOCATION OF SIGN	MAXIMUM AREA
Roads with speed limits <30 mph	2 square feet
Roads with speed limits 30 – 49 mph	4 square feet

15.05.02.23. Home Occupations
One (1) sign, a maximum of no more than four (4) square feet in area, identifying the name, address and profession or occupation of a home occupation is allowed provided that such sign is non-illuminated.

15.05.02.24. Residential Identification
One (1) sign, not exceeding two (2) square feet in area and bearing only the names and address of the occupants of a residential premises, is allowed without any form of permit or approval.

15.05.02.25. Trespassing and Hunting
Signs relating to trespassing and hunting shall be permitted without limitation as to number provided that no single sign shall exceed two (2) square feet in area.

15.05.02.26. Setback
All free standing signs shall be set back a minimum of five feet (5') from property lines and shall not otherwise be subject to the setback requirements of this Ordinance.

15.05.02.27. Lighting Standards
The illumination of all signs shall comply in all respects with the provisions of Section 15.05.01.

15.05.02.27.01. Non-Flashing Illumination
Signs may be illuminated only by non-flashing lights.

15.05.02.27.02. Colored Lighting
In residential zones signs may not be illuminated by colored light.

15.05.02.28. Political, Charitable, Meeting Signs
Temporary signs such as political posters, advertisements of charitable functions, notices of meetings, and other noncommercial signs of a similar nature, are permitted without a permit for a maximum of six (6) weeks, shall not count against the maximum sign area allowed on a premise and shall be removed by the person who posted the signs.

15.05.02.29. Banners for Drivers and Large Gatherings

Any civic, philanthropic, educational or religious organization may, with the approval of the Town Council, display up to two (2) banners announcing a drive, event or large gathering. Such banners shall be displayed no sooner than fourteen (14) days prior to the drive, event or gathering and shall be removed within three (3) days after the drive, event or gathering.

15.05.02.30. Vehicle Signs

Signs located on the rolling stock of common carriers and on registered and inspected motor vehicles are permitted, except such signs which are determined by the Code Enforcement Officer to be circumventing the intent of these regulations. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width, or length of the vehicle.

15.05.02.31. Menus

Any restaurant may display its menu in a manner so that it is visible to persons passing by the outside of said restaurant provided that the displayed menu is no larger than the menus actually distributed to the restaurant's customers and provided that it is displayed in a manner that is not caused to move by the wind. The display of a menu shall not count against the maximum sign area otherwise allowed to a restaurant nor require permit or approval.

15.05.02.32. Sales Fliers

Notwithstanding any other provision of this Ordinance, any commercial establishment may utilize up to twenty (20) square feet for the display of temporary signs such as sales fliers and other promotional materials of a temporary nature.

Such displays shall not count against the maximum sign area otherwise allowed to the establishment nor require a permit or approval.

15.05.02.33. Signs for Legal Nonconforming Uses

Any legally existing nonconforming use may utilize on premises signs of a size and character equivalent to the signs allowed of such use in any zone where such use is permitted.

15.05.02.34. Flags

The flag or insignia of any government may be properly displayed on any premises without any form of permit or approval and without limitation as to size and number.

15.05.02.35. Indoor Neon Signs

Neon signs located entirely within a building are permitted subject to the following limitations:

15.05.02.35.01.

Any neon sign located within twelve inches (12") of any window, door or other opening through which it may be visible from the street shall constitute a permanent window sign and shall comply with all provisions of this Ordinance including 15.05.01.

15.05.02.35.02.
Any neon sign not located in a position described in the preceding paragraph shall not be subject to restriction.

15.05.02.36. Nonconforming Signs

The use or display of any legally existing nonconforming sign may be continued, but only in strict compliance with the following:

15.05.02.36.01.
No nonconforming sign shall be enlarged, increased or extended to occupy a greater area than it occupied when it became nonconforming or in any other way that increases its nonconformity.

15.05.02.36.02.
A legally existing nonconforming sign may be replaced only with a sign that complies with this Ordinance in all respects, except that a legally existing nonconforming sign, the replacement of which is necessitated by the vandalism of persons other than the owner or his or her agents, or by a force of nature, may be replaced with a sign identical in all respects to the one being replaced.

15.05.02.36.03.
Any sign removed pursuant to the provisions of 15.5.2 may be replaced only with a sign that complies with this Ordinance in all respects.

15.05.02.36.04.
Once converted to conformity, no sign shall revert to nonconformity.

15.05.02.37. Changeable Electronic Signs

Signs which are created, designed, manufactured, or modified in order to display a message that may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side and are subject to the following:

15.05.02.37.01.
One electric sign per lot of record may be both sides.

15.05.02.37.02.
May be illuminated and operational only during hours when employees(s) are preset on premise. (Town and School facilities exempt).

15.05.02.37.03.
A message must have minimum display duration of no less than 20 seconds.

15.05.02.37.04.
Messages must be static for the duration of each individual message. No part of the electronic sign shall blink, flash, rotate, scroll, change in illumination intensity.

15.05.02.37.05.
Every electronic sign must be designed and equipped to automatically freeze in a static display if a malfunction occurs. The electronic sign owner must stop the display when notified by the Town that the sign is not complying with the standards of the ordinance.

15.05.02.37.06.
Undue brightness is prohibited. For the purposes of this provision, "undue brightness" means illumination of any portion of the sign in excess of 3200 nits, between sunset and sunrise.

15.06. AUTOMOTIVE GRAVEYARD OR RECYCLING: JUNKYARDS

Before granting site plan approval for an automobile graveyard, automobile recycling business or a junkyard, the Planning Board shall receive evidence that the applicant has obtained all necessary Federal, State and municipal permits and licenses, including a permit under 30-M.R.S.A. § 3753, and must further find that the proposed use shall comply with the following:

15.06.01.
Automobile graveyards, automobile recycling businesses and junkyards shall be located a minimum of one thousand feet (1,000') from the edge of the rights-of-way of any highway incorporated in the Interstate and Primary Systems and a minimum of six hundred feet (600') from the edge of the right-of-ways of all other roads; and shall be set back one hundred feet (100') from all side and rear lot lines.

15.06.02.
Automobile graveyards, automobile recycling businesses and junkyards shall be located a minimum of three hundred feet (300') and be completely screened from ordinary view from any church, cemetery, school or any public park, playground, beach or facility.

15.06.03.
Automobile graveyards, automobile recycling businesses and junkyards shall be entirely screened from view by natural objects, plantings or fences which shall be well constructed and properly maintained at a minimum height of six feet (6') and sufficient to accomplish the complete screening from ordinary view from abutting lots and traveled ways.

15.06.04.
Upon arrival at the graveyard or recycling business, batteries shall be removed and oil, lubricants and fluids shall be drained from all vehicles, and appropriate safety precautions, such as the removal of door and trunk locks, shall be taken to avoid injury and accidents.

15.06.05.
No vehicles may remain intact in the yard for more than thirty (30) days, and complete processing of vehicles into salvage materials shall be accomplished within four (4) months.

15.06.06.
All junk and salvage materials shall be stored within the screened/fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness of the adjacent area.

15.06.07.
No open burning of salvage material or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in an environmentally sound manner.

15.06.08.
No approval may be granted for an automobile graveyard or an automobile recycling business with operations within one hundred feet (100') of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the site for which site plan approval is sought.

15.06.09.
The Planning Board may impose additional and more stringent restrictions, limitations and conditions such as are reasonably calculated to adequately protect public health and safety. Such additional restrictions, limitations and conditions, together with all of the standards imposed by this Ordinance, shall govern the future operation and use of the automobile graveyard, automobile recycling business or junkyard. Site plan approval obtained for an automobile graveyard, automobile recycling business or junkyard shall be nontransferable and any subsequent owner of such a graveyard must obtain site plan approval before continuing operations.

15.07. CAMPGROUNDS

All site plans for proposed campground development shall demonstrate that:

15.07.01.
The applicant has obtained all required State permits and licenses.

15.07.02.
Each recreational vehicle, tent, or shelter site shall contain a minimum of five thousand (5,000) square feet of suitable land in shoreland areas, and one thousand (1,000) square feet of suitable land in inland areas, for each site, not including driveways and roads. Land supporting wetland vegetation, and land below the normal high water line of a water body shall not be including in calculating land area per site.

15.07.03.
The area intended for placement of the recreational vehicle, tent or shelter site, and utility and service buildings shall be set back a minimum of twenty-five feet (25') from the exterior lot lines of the campground and from any public street, ten feet (10') from any internal roadway, one hundred feet (100'), horizontal distance, from the normal high water line of a river, and seventy-five feet (75'), horizontal distance, from the normal high water line of a tributary stream, upland edge of a wetland or any other body of water. Each recreational vehicle or tent shall be placed such that the distance between any part thereof and any part of any other recreational vehicle or tent is at least fifteen feet (15').

15.07.04.
The campground shall be screened from all abutting areas.

15.07.05.
Each recreational vehicle, tent or shelter site shall be provided with a trash receptacle.

15.07.06.
The campground will contain a minimum of twenty-five (25) campsites.

15.07.07.
The minimum total area of the campground will be the greater three thousand (3,000) square feet multiplied by the total number of campsites; or five (5) acres.

15.07.08.
Road within campgrounds shall be a minimum of twenty feet (20') wide for two way traffic and fourteen (14') wide for one way traffic. Road surfaces shall be well drained and constructed of stabilized or compacted material.

15.07.09.
When located within a campground, commercial uses involved in the sale of food, supplies and equipment shall be intended only for the use and convenience of campers and other fees paying patrons of the campground and not the general public. Such uses shall be located and serviced so as to have no detrimental effect on neighboring campsites.

15.08. CONVERSION TO MULTIFAMILY USE

Conversion of existing structures into multifamily dwellings will be permitted only on the following conditions:

15.08.01.
Off street parking will be provided in accordance with the requirements of Section 15.04.06.06.

15.08.02.
Written approvals of conversion plans by the fire, electrical, and plumbing inspectors are submitted at the time of application.

15.08.03.
Each dwelling unit shall be at least five hundred (500) square feet in area for one (1) bedroom units plus one hundred fifty (150) square feet for each additional bedroom and all such space shall comply with FHA standards.

15.08.04.
Each dwelling unit shall have unit shall have its own toilet and kitchen facilities and no dwelling unit will share these facilities with any other dwelling unit.

15.09. HOME OCCUPATIONS

Home occupations will be permitted only on the following conditions:

15.09.01.
Home occupations will be permitted only on the following conditions:

15.09.02.
The uses of a dwelling unit or its accessory structure for a home occupation shall clearly be incidental and subordinate to its use for residential purposes.

15.09.03.
A home occupation must be carried on wholly within a dwelling unit or a structure customarily accessory to a dwelling unit, provided, however, that Child Care I and II may utilize the yards surrounding such structures provided that the yard area used by Child Care II is set back at least fifty feet (50') from any side or rear property lines or is buffered to the satisfaction of the Planning Board to minimize the transmission of noise to neighboring residential properties.

15.09.04.
A home occupation must be conducted by a member or members of the family residing in the dwelling unit.

15.09.05.
A home occupation must not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes.

15.09.06.
A home occupation shall be allowed no exterior display, no exterior sign other than as in Section 15.05.02.23. no exterior storage or display of materials, no retail of goods except those produced upon the premises and those which are clearly incidental to the providing of service involved in a home occupation, and no other exterior indication of the home occupation or variation from the residential character of the principal building, provided however, that Child Care I and II may utilize yards as provided in Section 15.04.06.06.

15.09.07.
Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare, or activity at unreasonable hours, shall not be permitted of a home occupation.

15.09.08.
The traffic generated by home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.

15.09.09.
In addition to the off street parking provided to meet the normal requirements of the dwelling, adequate off street parking shall be provided for the vehicles of the maximum number of users a home occupation may attract during peak operating hours.

15.09.10.
For purposes of this Ordinance, use of residential buildings for transient accommodations shall not be considered a home occupation, but rather shall be governed by other provisions of this Ordinance.

15.09.11.
Except for Child Care I and II, a home occupation may utilize not more than twenty percent (20%) of the total dwelling unit floor area. For the purpose of this section, neither unfinished attic or basement spaces nor open decks or unheated porches shall be included in calculating the total dwelling unit floor area.

15.10. MANUFACTURED HOUSING

15.10.01.
It is the policy of the Town of Veazie to allow manufactured housing on individual, undeveloped lots in a variety of locations so as to offer a viable housing option for the citizens of the Town of Veazie.

Such locations shall be limited to the RF Zone on a parcel southeast of Stillwater Avenue and northwest of Interstate 95, identified on Veazie Tax Map 10, Lot 5; the portion of the R Zone northeast of Chase Road and Southeast of Silver's Mobile Home Park, identified on Veazie Tax Map 9, Lot 18 extending northeast for one thousand feet (1,000') and northwest for one thousand feet (1,000') on to Map 13, Lot 2 and then southwest one thousand feet to Chase Road along the westerly edge of a parcel identified on Map 13, Lot 2. Notwithstanding the foregoing or any other provision of this section, any modular home that otherwise meets the requirements of this Ordinance and the Town's building code shall be allowed in all zones and on all lots where single family homes are allowed.

15.10.02.
Manufactured housing shall be subject to the same requirements as single family dwellings except as otherwise provided in this section.

15.10.03.
All manufactured housing located on an individual lot in the Town of Veazie shall comply with the following design standards:

15.10.03.01.
A roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles and not corrugated metal roofing material;

15.10.03.02.
A permanent foundation consisting of a full, poured concrete or masonry foundation; a poured concrete or mortared masonry frost wall, with or without a concrete floor; a reinforced, floating concrete pad, the design for which shall require an engineer's certification if it is to be placed on soil with a high frost susceptibility; or any foundation which, pursuant to this Ordinance, is permitted for other types of single family dwellings;

15.10.03.03.
At least fourteen feet (14') in width;

15.10.03.04.
Exterior walls that are residential or traditional site-built in appearance;

15.10.03.05.
Skirting which matches the factory base or trim color of the unit, with plastic or tar paper specifically prohibited;

15.10.03.06.
At least seven hundred fifty (750) square feet of living floor space;

15.10.03.07.
Wheels shall be removed from the axles; towing devices shall be removed or completely enclosed in a structure that matches the skirting of the unit.

15.10.04.
The foregoing design standards shall not be construed to prevent the relocation of any manufactured housing, regardless of its date of manufacture that was legally sited within the Town of Veazie as of August 4, 1988.

15.10.05.
Manufactured housing which fails to meet the standards contained in 15.10. shall be subject to the nonconformity provisions of this Ordinance, provided that they may be expanded.

15.10.06.
No nonconforming manufactured housing unit which was not legally sited within the Town as of August 4, 1988 shall be moved to another lot or parcel within the Town, provided that such unit may be moved to a different location on the same lot or parcel.

15.10.07.
No nonconforming manufactured housing unit may be replaced by another nonconforming manufactured housing unit unless such other unit was legally sited within the Town of Veazie as of August 4, 1988.

15.10.08.
The Code Enforcement Officer may permit the use of a mobile home as a temporary office for up to four (4) months in zones where offices are permitted or on construction sites anywhere within the Town.

15.10.09.
A mobile home may be permitted on the site of a construction project for not more than two (2) consecutive six (6) month periods provided that the approval of the Board of Appeals grants a separate approval for each six (6) month period. The Board of Appeals shall grant approval only if it is satisfied that:

15.10.09.01.
The mobile home is a necessary convenience for the construction project and is clearly subordinate to such project; and

15.10.09.02.
No health hazards or problems with sanitation will be caused by improper disposal of sewage from the mobile home.

15.10.10.
A recreational vehicle shall in no cases be used as a permanent manufactured home. Any recreational vehicle used as a temporary residence shall be located only in an authorized campground.

15.10.11.
A recreational or mobile construction office, while not in use, may be stored on the premises of the owner.

15.10.12.
No new manufactured housing shall be located within the Town by any person, other than a dealer licensed by the State of Maine with a sales tax certificate, without:

15.10.12.01.
A bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or provided the manufactured housing to the person locating the housing in the Town; or

15.10.12.02.
Evidence of certification of payment of the sales tax in accordance with 36 M.R.S.A. §§ 1760(40) and 1952-B.

15.10.13.
The placement of any mobile home at any location within Veazie shall be done in compliance with the requirements of the State of Maine Manufactured Home Installation Standards, as amended. This provision shall apply even to the placement of a new or used mobile home on existing mobile home site, whether or not another mobile home is being replaced. No mobile home older than twenty (20) years shall be placed on any individual lot or any lot in a mobile home park.

15.11. MOBILE HOME PARKS

All site plans for mobile home parks shall demonstrate that the proposed development will comply with the following requirements:

15.11.01.
A mobile home park shall consist of a contiguous parcel of land with a minimum overall area of at least the combined area of its mobile home park lots plus:

15.11.01.01.
The area required for road rights-of-way;

15.11.01.02.
The area required for buffer or screening, if any;

15.11.01.03.
For mobile home parks served by a public sewer, and area for recreation equal to ten percent (10%) of the combined area of the individual lots within the mobile home park;

15.11.01.04.
The area of any setbacks required by mandatory shoreland zoning.

15.11.02.
Except as otherwise required by mandatory shoreland zoning, the minimum size of individual mobile home lots shall be:

15.11.02.01.
20,000 square feet with on- site subsurface wastewater disposal;

15.11.02.02.
6,000 square feet with public sewer;

15.11.02.03.
12,000 square feet if served by a central on-site subsurface wastewater disposal system approved by the Department of Human Services, provided that the overall density of the mobile home part shall be no more than one (1) home for every 20,000 square feet.

15.11.03.
Except as otherwise required by mandatory shoreland zoning, the located may be reduced the minimum amount necessary to accommodate the minimum lot standards set forth in setback requirements of the zone in which a mobile home park is, except that mobile homes on lots adjacent to a public road shall be set back according to the requirements applicable to other residential developments in the zone.
In no event shall a mobile home or its associated accessory structures be closer than thirty-five feet (35') to any other mobile home or its associated structures, except that in mobile home parks existing on the effective date of this Ordinance the distance shall be fifteen feet (15').

15.11.04.
For individual mobile home park lots, the road frontage requirements of the zone in which a mobile home park is located may be reduced the minimum amount necessary to accommodate the minimum lot standards set forth in 15.11. In no event shall the required road frontage on individual lots within a mobile home park have the effect of requiring a manufactured home on a lot to be placed parallel to an adjacent private or public roadway.

15.11.05.
Where possible, mobile homes shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.

15.11.06.
A mobile home park shall have a natural buffer strip of at least fifty foot (50'), including individual lot setbacks, along any park boundary that abuts land used for residential use if the per acre density of homes within the park is at least two (2) times greater than:

15.11.06.01.
The density of the residential development on immediately adjacent parcels of land; or

15.11.06.02.
The maximum net residential density permitted by applicable municipal ordinances or state law, if the immediately adjacent parcels of land are undeveloped.

No structures, streets or utilities may be placed in the buffer strip, except that utilities may cross a buffer strip to provide services to a mobile home park.
Notwithstanding the foregoing, a mobile home park shall comply with the screening requirements applicable to other single family residences located in the same zone as the mobile home park.

15.11.07.
Areas in the mobile home parks intended for the storage of garbage and rubbish shall be entirely screened from view, except that portions may be left open to permit pedestrian and vehicular access.

15.11.08.
Each mobile home site shall comply with the parking requirements of 15.4.6.6.

15.11.09.
Unless required by the owner of the park, no mobile homes located within a mobile home park within the Town of Veazie need comply with the requirements of 15.10., provided, however, that all mobile homes moved in the Town of Veazie after the effective date of this Ordinance shall comply with all applicable safety codes and standards.

15.11.10.
If the developer intends to offer the roads within a mobile home park to the Town for acceptance as a Town way, such roads will be built according to the Town's standards set forth in Town of Veazie Subdivision Ordinance.

15.11.11.
If the developer does not intend to offer the roads within a mobile home park to the Town for acceptance as a Town way, such roads shall:

15.11.11.01.
Be built in accordance with any standards adopted by the Manufactured Housing Board and with otherwise acceptable engineering standards;

15.11.11.02.
Be built in accordance with plans bearing a professional engineer's seal as required by the Manufactured Housing Board;

15.11.11.03.
Have a right-of-way of twenty-three feet (23') in width, twenty feet (20') of which shall be paved; and

15.11.11.04.
Conform to the safety standards applicable to intersections with public ways adjacent to the mobile home park.

15.11.12.
Dead end streets within a mobile home park shall be limited in length to one thousand feet (1,000') and at the closed end shall be provided with a turnaround having a minimum radius of sixty feet (60').

15.11.13.
Sidewalks not less than three feet (3') in width shall be provided on at least one (1) side of every street within a mobile home park.

15.11.14.
Walkways not less than two feet (2') in width shall connect each mobile home stand to a sidewalk, to a paved street or to a driveway connecting to a paved street.

15.11.15.
Notwithstanding any other provision of this Ordinance to the contrary, no owner or developer of a mobile home park shall be required to locate electrical utilities or telephone or cable television lines underground within the park.

Provided that all applicable safety codes are met, utilities may be installed anywhere within a mobile home park.

15.11.16.
Roadways within mobile home parks shall be adequately lighted at night with a light intensity at the center of the roadway of not less than two (2) foot candles.

15.11.17.
In mobile home parks served by a public sewer there shall be provided in areas for recreation equal to ten percent (10%) of the combined area of the individual lots within mobile home park. Such areas shall be located in one (1) or more convenient central locations with easy and safe access from most of the mobile home lots.

15.11.18.
The Planning Board shall not approve a plan for a mobile home park without first receiving evidence that the developer of the park has obtained all necessary State permits or licenses.

15.11.19.
No mobile home lot shall contain more than one (1) mobile home. No mobile home shall be placed in any area that does not constitute a mobile home lot reflected on a plan approved by the Planning Board. No mobile home park shall contain more mobile homes than the number specified on any State license nor more than the number of individual lots reflected on a plan approved by the Planning Board.

15.11.20.
Any accessory structure located on a mobile home lot in any mobile home park shall:

15.11.20.01.
Not exceed a width of twelve feet (12'), a length of twenty-four feet (24') or a wall height of eight feet (8');

15.11.20.02.
Not be located less than fifteen feet (15') from a road, more than thirty-five feet from the mobile home which it serves, or less than twenty-five feet (25') from the exterior boundaries of the mobile home park;

15.11.20.03.
Be compatible with the style and material of the mobile home.

15.11.21.
A mobile home park subdivision or development shall not be reviewed as a mobile home park. Rather, such a subdivision or development shall be review as any other residential subdivision and shall comply withal standards applicable thereto.

15.12. TEMPORARY STORAGE

Upon the approval of the Code Enforcement Officer, portable or mobile trailers, vans or similar vehicles or temporary buildings may be used for storage or display for a period not to exceed six (6) months. Such approval may be extended by the Planning Board for successive periods of six (6) months if the Board finds that:

15.12.01.
The use does not diminish area requirements as set forth in the zoning ordinance for that zone;

15.12.02.
There is a valid temporary need which cannot be met within the principal structure and that adequate economic hardship can be shown.

15.12.03.
The initial approval, or any renewal, of the use will not in any way be detrimental to the neighboring properties including aesthetic appearance.

15.12.04.
The use is not intended as a permanent or long term use.

15.12.05.
The use is not an intent to circumvent building area limitations for that zone or to prolong the use of facilities which have been outgrown.

15.12.06.
The facilities will be adequately screened from neighborhood properties and the street.

15.12.07.
The facilities will not be used as or intended for advertising for on or off premises purposes.

15.12.08.
The facilities are not intended for retail sales.

15.12.09.
The above provisions do not prohibit the use of such temporary facilities as construction or job site office or equipment storage facilities during construction provided that no advertising other than the contractor's name shall be on the vehicle or facility and that such signs meet the requirements of 15.05.02.30.

15.13. TIMBER HARVESTING

The selective cutting and removal of trees from their growing sites in those zones indicated in 15.03. as allowing timber harvesting are permitted in accordance with the following conditions:

15.13.01.
Clear-cutting of trees is expressly prohibited in the Town of Veazie.

15.13.02.
Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters.

15.13.03.
Harvesting Operations shall be conducted in such a manner that a well- distributed stand of trees is retained.

15.13.04.
Harvesting activities shall not create single openings greater than seven thousand five hundred (7,500) square feet in the forest canopy.

15.13.05.
In any stand, harvesting shall remove not more than forty percent (40%) of the volume of trees in any ten (10) year period. For the purpose of these standards, a stand means a contiguous group of trees, sufficiently uniform in species, arrangement of age classes, and conditions, to be identifiable as a homogeneous and distinguishable unit.

15.13.06.
No accumulation of slash shall be left in such a manner that it lies on the ground and no part thereof extends more than four feet (4') above the ground.

15.14. SWIMMING POOLS

It shall be unlawful to construct, install or enlarge any swimming pool except in compliance with the following:

15.14.01.
Completely around every swimming pool located within the Town of Veazie, except portable above ground swimming pools with sidewalls of at least four feet (4') in height, shall be erected a good quality fence or wall not less than four feet (4') in height above ground surface and of a character to exclude children.

A building may be used as part of the fence or wall which shall be constructed so as not to have openings, holes or gaps larger than four (4) square inches, except for fences constructed of vertical posts or louvers, in which case, the openings shall not be greater than four inches (4") in width with no horizontal members between the top and bottom plates. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. Any gate shall be equipped with a self-latching device placed at the top of the gate.

15.14.02.
All pools must comply with National Electrical Code requirements, including proper grounding and ground fault interrupter, as approved by the Electrical Inspector.

15.14.03.
All nonconforming swimming pools are prohibited and may not be continued under the provisions of this Ordinance dealing with nonconformities.

15.15. RESTAURANTS

The maximum seating capacity stated in a restaurant's application shall not be exceeded without a new building permit or site plan approval, whichever was required originally.

15.16. MINING, QUARRING, GRAVEL OR MINERAL EXTRACTION

All mining, quarrying and gravel or mineral extraction activities shall conform to the following applicable standards:

15.16.01.

No excavation or removal of earth material shall be allowed within seventy-five feet (75') of any property line without the written permission of the owner of the adjacent property, nor below grade excavation nor within two hundred feet (200') of any public way.

15.16.02.

No below grade excavation shall create an unstable slope so that the land within one hundred feet (100') of any property line or two hundred feet (200') of any public way shall be subject to any increased erosion, slump or mass movement or other detrimental effect. A slope with a steeper incline than a ratio of three (3) horizontal to one (1) vertical shall be deemed unstable unless demonstrated otherwise.

15.16.03.

No gravel pit or mining extraction operation shall result in increased erosion or runoff that will adversely affect any adjoining properties.

15.16.04.

At least thirty (30) days before the initiation of any blasting, the operator of any mining, quarrying or extraction activity shall notify in writing all residents within one-half (1/2) mile of the blast area, informing them how to request a pre-blast survey.

15.16.05.

No permit for mining, quarrying or gravel or mineral extraction operations shall be issued until the Planning Board approves a written reclamation plan and receives an executed performance guarantee, in a form acceptable to the Town attorney, in an amount sufficient to cover the estimated cost of such reclamation.

The reclamation plan shall describe in detail the procedures to be undertaken to fulfill the following requirements within twelve (12) months following the completion of such operations, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period:

15.16.05.01.

All debris, stumps and similar material shall be removed for disposal in an approved location or shall be burned on site. Disposal of such material shall also comply with all applicable provisions of the State of Maine Solid Waste Laws, 38 M.R.S.A. § 1310 and Chapter 404 of the Department of Environmental Protection's regulations. Only materials generated on site may be buried or covered on site.

15.16.05.02.
The final graded slope of the site where such operations occurred shall be two to one (2:1) or flatter. No slopes on which vegetation cannot be reestablished shall be left.

15.16.05.03.
Topsoil or loam shall be retained to cover all disturbed land areas, which areas shall be reseeded and stabilized with vegetation which is native to the area and which is sufficient to erosion and is suitable for wildlife.

The vegetation shall be approved by the Soil and Water Conservation Service. Additional topsoil or loam shall be obtained from offsite sources if necessary to complete stabilization.

15.16.05.04.
No reclamation shall cause an increase or decrease of water flow to adjacent properties.

15.16.05.05.
All gravel extraction, mining or quarrying operations shall be screened from view from adjacent properties and public ways by vegetation or other appropriate means.

15.16.05.06.
No gravel extraction, mining or quarrying operations shall be worked at a level less than three feet (3') above the average seasonal high water table for fresh water and high tide for salt water.

15.16.05.07.
No leachate harmful to ground water quality, including, but not limited to, salt, creosoted timber, petroleum products or rubbish, shall be dumped or stored in gravel pit except under cover and upon an impermeable spill-proof base.

15.16.05.08.
Access to gravel extraction, mining or quarrying areas shall be strictly controlled with locking gates at the entrance of access roads. When the pit is not being operated, all vehicular entrances shall be made impassable.

15.16.05.09.
No site plan approval will be granted for a gravel extraction, mining or quarrying operation until the applicant has received site location approval from the Maine Department of Environmental Protection, if one is required.

15.16.05.10.
No site plan approval will be granted for a gravel extraction, mining or quarrying operation until the applicant has provided evidence of adequate insurance against liability arising from proposed extraction operations and evidence that such insurance shall be maintained throughout the period of operation.

15.17. RESIDENTIAL STRUCTURE

All new buildings or structures designed for year-round human occupancy shall have a permanent foundation or frost wall that extends below the frost line around its entire periphery.

15.18. COMMERCIAL DISPLAYS OF NUDITY

All site plans for businesses that will provide or exhibit nude entertainment shall demonstrate that the proposed development will comply with the following:

15.18.01. Location

Any business that will provide or exhibit nude entertainment shall be located in that area of the I Zone located in the areas between Interstate 95 and Stillwater Avenue and such a business shall not be permitted in any other area of the Town.

15.18.02. Convictions

No permit of any kind shall be issued for a business that will provide or exhibit nude entertainment if any person with a five percent (5%) or more financial interest in the business or any person who will have any management position with respect to the business has, within the ten (10) years immediately prior to the date of the application, been convicted of prostitution, promoting prostitution, or a class A, B or C felony as such offenses are defined under Maine Law, or equivalent offenses in any other jurisdiction(s).

The conviction of any such person of such offense(s) at the time subsequent to the issuance of a permit shall result in the revocation of the permit.

15.18.03. Dwelling Units Prohibited

No portion of any building or structure on any lot on which is located a business that provides or exhibits nude entertainment shall be used as a dwelling unit.

15.18.04. Restaurant Requirements

All requirements set forth in this Ordinance applicable to restaurants and eating and drinking establishments shall apply to any business that will provide or exhibit nude entertainment, irrespective of whether such business will sell or otherwise provide food or beverages.

15.18.05. Entertainment Within Building

Any display or exhibition of nude entertainment shall be contained entirely within a building, not on any deck, porch, patio associated therewith, and shall be concealed in such a manner that no portion of any person providing such entertainment can be observed from any adjoining lot or public property.

15.18.06. Setbacks

No portion of any building in which nude entertainment is provided or exhibited shall be located four hundred feet (400') or less from:

15.18.06.01.

The line of any R or RF Zone

15.18.06.02.

The line of any lot on which is located a public or private school, a school dormitory, a public playground or park, a church, chapel parish house or other place of worship, a public library, a juvenile shelter or orphanage.

15.18.07. Changing Rooms and Restrooms

15.18.07.01.
Any building in which nude entertainment is provided or exhibited shall have changing rooms and restrooms for the persons providing such entertainment that are separate the toilet facilities available for or accessible to customer, patrons, or the general public.

15.18.07.02.
No business providing or exhibiting nude entertainment shall allow customer, patrons or members of the general public changing rooms or restrooms used by or set aside for persons providing such entertainment.

15.18.07.03.
No person providing nude entertainment shall change or be in the state of undress in any restroom available or accessible to customers, patrons or members of the public, except to the limited extent necessary in conjunction with the customary use of a toilet or urinal.

15.18.08. Hours of Operation
No business shall provide or exhibit nude entertainment beyond the hours set forth in the business's permit application or after the hour of 1:00 a.m., whichever is later, and all businesses providing or exhibiting nude entertainment shall be closed and cleared of customer, patrons and members of the public from 1:30 a.m. to 6:00 a.m. Mondays through Saturdays and to 1:00 p.m. Sundays.

15.18.09. Employment
No person under the age of eighteen (18) years shall be employed in any capacity in any business that provides or exhibits nude entertainment. For purposes of this section the term employee shall include hourly and salaried employees and all persons working or performing on the premises for tips or commissions or as independent contractors or contract dancers or performers.

The operator of each such business shall be responsible for verifying the age of each employee through photographic identification. Each employer shall maintain records showing the name and date of birth of each employee, including a copy of the photographic identification used to verify age.

Prior to an employee's beginning employment, the operator shall bring the records to the Town of Veazie Police Department to verify the age of the prospective employee. Such records shall be maintained by the operator until six (6) months after the employee ceases employment and are subject to review by the Veazie Police on the business premises during normal business hours. In the event the Veazie Police reasonably suspect from a review of such records that an employee is under the age of eighteen (18) years, they may copy such records for investigatory purposes. Any record so obtained, and any subsequent information developed therefrom, is declared to be "intelligence and investigative information" under 16 M.R.S.A. § 611 (8) which, if publicly disclosed, would endanger the life or safety of the individuals named therein. Notwithstanding this declaration, record information maybe disclosed to the person named therein.

15.18.10. Patrons

15.18.10.01.
No person under the age of eighteen (18) years shall be admitted as a customer or patron to any commercial establishment providing or exhibiting nude entertainment. The operator of each such establishment shall be responsible for verifying the age or each person entering the premises through photographic identification. Nothing herein shall be construed as to lessen any applicable State age requirement for the admission of any person to a business establishment at which alcohol is served.

15.18.10.02.
There shall be no physical contact anywhere on the premises between patrons and any person performing or providing nude entertainment. For purposes of this section, physical contact does not include incidental contact between a patron and an entertainer of a business or social nature such as a handshake or that brief contact that may occur while a patron is giving a tip to an entertainer.

In no case shall incidental contact be deemed to include such conduct as is barred by State statutes regarding unlawful sexual contact, regardless of the intent of either party, any contact between a patron and the genitalia or breasts of an entertainer or any contact between an entertainer and the genitalia or breasts of a patron.

15.18.10.03.
Under no circumstances shall any patron, customer or member of the public be in any state of undress or expose his or her genitalia anywhere on the premises, except to the limited extent necessary in conjunction with the customary use of a toilet or urinal.

15.18.11. Limitations on Entertainment

15.18.11.01.
No person providing or performing nude entertainment shall engage in sadomasochistic acts or in specified sexual activities as define by this Ordinance.

15.18.11.02.
The showing, display or exhibition of specified anatomical areas, as defined by this Ordinance, is prohibited. (amended 3/22/99)}

15.18.12. Residential Use of Commercial Buildings
{Residential occupancy use of portions of commercial properties may be allowed with Planning Board approval if the portion of the existing building to be used residentially has previously been used as a residential property and provided the use is considered secondary to the commercial use or uses allowed in the zone. The residential use will not be expanded in footprint to an area greater than previously occupied by the residential use except as may be required to meet current life safety and/or other related building code issues. Furthermore, any tenant must be notified in writing or so notified in their lease that the property is in a commercial zone and the tenant should expect allowed commercial activities to occur. (Adopted Fall 2004)}

15.19. RESERVED

15.20. BOARDING OR ROOMING HOUSE

15.20.01.
Rooming house shall mean any dwelling, or part thereof, containing three (3) or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by three (3) or more persons who are not related by blood or marriage to the owner or operator.

15.20.02.
Rooming unit shall mean one (1) or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes, but not designed for food preparation, by two (2) or more persons living in common or by a person living alone.

15.20.03. Minimum Standards for Dwellings Established

15.20.03.01.
There are hereby established minimum standards for buildings used for dwelling purposes in the Town of Veazie.
All such buildings not now conforming to these standards will be required to meet such minimum standards, and buildings newly constructed or converted for dwelling purposes shall meet such minimum standards.

15.20.03.02.
The standards set forth herein are intended to be minimum only and they apply wherever a greater standard is required by any other ordinance or law shall not be construed otherwise.

15.20.04. Minimum Standards for Structural Elements
No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, rooming unit, or a combination of the same, which does not comply with the following minimum standards:

15.20.04.01.
Foundations, basements, cellars, exterior walls, roofs. Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight, watertight, and vermin proof; shall be structurally sound, and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon.

15.20.04.02.
Every exterior wall or portion thereof shall be painted or stained. Insulation shall be installed and maintained so as not to present a health or safety hazard to occupants. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly wet floors, walls, or ceilings, or hazard to adjacent buildings or the occupants thereof. (b) Interior floors, walls, ceilings and doors. Every floor, wall, ceiling, and door shall be in a structurally sound condition and in good repair and shall be substantially vermin proof.

15.20.04.03.
Exterior windows, doors and skylights. Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight, and vermin proof and shall be kept in sound working condition and good repair.
Every exterior window shall include storm sash with screens or an alternative equally effective for heat retention and ventilation purposes, all in operable condition.

15.20.04.04.
Stairways, stairwells, stairs and porches. Every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto shall be structurally sound, in good repair, and safe to use.

15.20.04.05.
Chimneys, flues and vent. Every chimney and every flue, vent, and smokepipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.

15.20.04.06.
Required equipment and utilities. Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition. Sanitation and maintenance of equipment; division of responsibility therefor. Every dwelling, dwelling unit, rooming house, rooming unit, dwelling premises, or combination of the same, shall be kept and maintained in a sanitary and clean condition, and facilities shall be provided, in accordance with the following division of responsibility.
15.20.04.07.
Maintenance of assigned areas. Every occupant of a dwelling, dwelling unit, or rooming unit shall maintain in a clean and sanitary manner that part of the dwelling, dwelling unit, or rooming unit, and dwelling premises which he or she occupies and controls.

15.20.04.08.
Maintenance of shared areas. Every owner or operator of a multiple dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and dwelling premises.

15.20.04.09.
Maintenance of supplied facilities. Every occupant of a dwelling unit shall keep all supplied facilities, including refrigeration, plumbing and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

15.20.04.10.
Disposal of Rubbish, ashes, garbage and waste. Separate watertight, tightly covered plastic or metal containers shall be provided, one (1) or more for garbage and other food wastes, one (1) or more for rubbish, paper, and other non-food wastes, and one (1) or more metal containers for ashes, and all such containers shall be kept covered at all times so as to prevent the ingress and egress of flies, rats or other animals. Plastic or paper bags or boxes are not considered "containers" for purposes of this section. Ashes shall be cold when placed in containers for collection. Such containers shall be cleaned periodically so that they will not become foul or offensive and shall be placed in convenient locations for removal of the contents by persons authorized to collect the same.

Every occupant of a dwelling, dwelling unit, rooming house or rooming unit shall place or cause to be placed all garbage, rubbish and other waste material in such containers and shall not permit any accumulation or deposit of such substances in or about the premises except in said containers. The responsibility for the provision of such containers shall be as follows:

15.20.04.10.01.
It shall be the duty of the owner or operator of every multiple dwelling to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements.

15.20.04.10.02.
It shall be the duty of every owner or operator of a rooming house to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements. (e) Rodent and vermin control. Every dwelling, dwelling unit, rooming house, rooming unit, and dwelling premises shall be kept and maintained free from insects, rodents, or other pests in accordance with the following division of responsibility: 1. Every occupant of a dwelling unit shall be responsible for the extermination of such insects, rodents, or other pests where the infestation is confined to such dwelling unit.

When infestation of a dwelling unit shall exist because of the failure of the owner or operator of a dwelling or dwelling premises to keep the same in a substantially rodent or vermin-proof condition, extermination shall the responsibility of the owner or operator.

15.20.04.10.03.
Every owner or operator of a dwelling shall be responsible for the extermination of such insects, rodents, or other pests whenever infestation exists in any two (2) or more dwelling and/or rooming units, or in shared areas or upon the dwelling premises.

15.20.05. Minimum Standards for Space and Occupancy Thereof

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, dwelling unit, or rooming unit which is or would be overcrowded as determined by the following minimum standards for space and occupancy:

Space per person. Every dwelling unit shall contain at least one hundred (100) square feet of habitable floor area for the first occupant and at least seventy (70) square feet of additional habitable floor area for each additional occupant.

15.21. PERMITS

15.21.01. Permits Required

After the effective date of this Ordinance, a written permit form the Code Enforcement Officer shall be required for the following activities, regardless of whether such activities have received site plan or subdivision approval:

15.21.01.01. Flood Hazard Areas
All construction or earth moving activities or other improvements within the 100-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency;

15.21.01.02. New Construction
New construction of buildings and structures, including, but not limited to swimming pools.

15.21.01.03. Alteration
Alteration of buildings, structures, land, or parts thereof, including, but not limited to:

15.21.01.03.01.
Change in size of windows or doors;

15.21.01.03.02.
E-shingling and replacement of wood in roofing, soffits or eves;

15.21.01.03.03.
Repair of foundations, whether concrete, cinder block, granite and posts, or piles;

15.21.01.03.04.
Interior renovations for change in use;

15.21.01.03.05.
Remodeling interior walls to create new rooms;

15.21.01.03.06.
Enclosing open frame porch;

15.21.01.03.07.
Installing skylights;

15.21.01.03.08.
Erection of fences;

15.21.01.03.09.
Construction of new steps;

15.21.01.03.10.
Creation of roads or driveways;

15.21.01.03.11.
Enlargement or modification of swimming pools.

Except as otherwise specifically provided herein, no permit shall be required for normal maintenance and repairs.

15.21.01.04. Placement of Signs
Placement of signs except temporary signs or signs requiring approval by the Veazie Board of Appeals.

15.21.01.05. Moving or Demolition
All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished.

15.21.01.06. Change of Use
The change of any premises from one category of land use to any other land use.

15.21.01.07. Section C Activities
Any other activities described in 15.03. as requiring a permit from the Code Enforcement Officer.

15.21.01.08. Mobile Home Parks and Campgrounds
The operation of a mobile home park or campground, provided that a permit for such activity shall be obtained annually not later than the first Monday in May.

The owner or owners of a mobile home park or Campground shall annually, on May 1st, apply for a License from the Town Clerk to continue to operate a mobile home park and before issuing said License, the Town Clerk shall refer the application to the Town Health Officer, Fire Chief and Code Enforcement Officer for their approvals. In the event that any of said officials should fail to issue an approval, he/she must state reasons for same in writing to the Town Clerk who shall also refuse to grant said License. Failure on the part of any of said officials to grant or deny approval of License within thirty (30) days of the application being filed with the Town Clerk shall constitute renewal of the License. The applicant may, within ten (10) days of a denial, appeal to the Town Council who shall review said application and either grant or deny it.

In granting or denying renewals of a License, said officials, including the Town Council, shall determine whether the mobile home park is being operated pursuant to the provisions of this Ordinance and the laws of the State of Maine applicable thereto.

A fee shall be paid to the Town Clerk with the application for annual renewal of said License. The fee, as the same may be established from time to time by the Town Council, after notice and hearing, shall reflect the reasonable cost of processing, review, regulation and supervision of the renewal. (see Fee Schedule)

No mobile home park existing at the time of the effective date of this Ordinance shall be altered in any way except in compliance with the provisions of this Ordinance. All mobile home park owners shall apply for an annual renewal of License as mentioned above whether the parks in question are new or existing prior to the effective date of this Ordinance.

Any License or Construction Permit authorized by this Ordinance for a mobile home park may be revoked or suspended by the Town Council after notice to the owner thereof and hearing before said Town Council.

Said revocation or suspension shall be based upon failure of the owner to comply with the provisions of this Ordinance or any State Statute or Regulation applicable to same and the Town Council shall give a written decision setting forth the reasons for revocation or suspension.

No manufactured home shall be located anywhere in the Town of Veazie without certification of taxes paid, a building permit issued, and an internal plumbing permit.

15.21.02. Prohibitions

No activity or use requiring a permit under this section shall be commenced unless and until the property owner has received any required permits from the Code Enforcement Officer.

15.21.03. Procedure

15.21.03.01.

All applications for permits shall be submitted in writing in duplicate to the Code Enforcement Officer on forms provided for the purpose, together with such fees as shall, from time to time, be set by the Town Council.

15.21.03.02. Submissions

All applications for a permit shall be accompanied by documents and detailed plans, accurately drawn to scale or showing actual dimensions or distances, and indicating such of the following as may be applicable:

15.21.03.02.01.
The actual shape, dimensions and location of the lot for which a permit is sought.

15.21.03.02.02.
The locations, setbacks and sizes of all buildings, structures, water bodies, and other significant features currently existing on the lot.

15.21.03.02.03.
The locations, setbacks and building plans of new buildings, structures or portions thereof to be constructed.

15.21.03.02.04.
The existing and intended use of each building or structure.

15.21.03.02.05.
The location of soils test pits, subsurface sewage disposal system parking lots and driveways, signs, buffer strips and private well.

15.21.03.02.06.
Any necessary plumbing or electrical permit.

15.21.03.02.07.
A register containing a current list of all mobile homes located within the mobile home park. Such register shall also contain the names and addresses of all mobile homeowners.

15.21.03.02.08.
Such other information as may be reasonably required by the Code Enforcement Officer to provide the administration and enforcement of this Ordinance.

15.21.03.03. To Whom Issued
No permit shall be issued except to the owner of record or his/her authorized agent. Written proof of authorization shall be required.

15.21.03.04. Compliance with Land Use Ordinance
All activities undertaken pursuant to a permit issued under this section shall comply with all applicable standards set for the in 15.05.

Each application and each permit shall bear the following conspicuous notations which, on the application, shall be acknowledged in writing by the applicant:

"THE UNDERSIGNED APPLICANT ACKNOWLEDGES THAT THE APPLICANT AND THE PERSON ON WHOSE BEHALF A PERMIT IS SOUGHT ARE RESPONSIBLE TO ENSURE THAT THE PROPOSED ACTIVITY COMPLIES WITH ALL APPLICABLE STANDARDS OF THE VEAZIE LAND USE ORDINANCE AND TO ENSURE THAT THEY ARE FAMILIAR WITH SUCH STANDARDS."

15.21.03.05. Deadline for Decision
The Code Enforcement Officer shall, within thirty (30) days of receipt of an application, issue the permit, if all proposed construction and uses meet the provisions of the ordinance, refer the applicant to the Planning Board for Site Plan Review under Section 15.05 or deny the application. All decisions of the Code Enforcement Officer shall be in writing. Failure of the Code Enforcement Officer to act within thirty (30) days shall constitute denial of the application.

15.21.03.06. Copies
One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record. The applicant shall cause any permit issued to be conspicuously posted on the lot where the activity will occur at a location clearly visible from the street.

15.21.03.07. Other Permits Required
No building permit shall be issued for any structure or use until all necessary Federal, State and local permits and approvals have been obtained.

The issuance of a permit under this section shall not be deemed a permit under any Federal or State statutes or other ordinance of the Town of Veazie. It is the responsibility of the land owner or applicant to comply with all other laws and regulations.

15.21.04. Certificate of Occupancy
A certificate of occupancy, certifying that all applicable provisions of this Ordinance have been satisfied, shall be obtained from the Code Enforcement Officer.

15.21.04.01.
After a building, structure or part thereof has been erected, altered enlarged or moved pursuant to a permit, site plan approval or subdivision approval, for the proposed use before the building or structure or part thereof may be used or occupied;

15.21.04.02.
After a building has been modified to accommodate additional dwelling units before such units may be used or occupied;

15.21.04.03.
After a building or structure has been modified to accommodate a home occupation before said home or structure may be used or occupied for a home occupation;

15.21.04.04.
Before a change in use of a nonconforming structure or lot;

15.21.04.05.
Before the occupancy and use, or change in use, of vacant land, except for the raising of crops.

15.22. STANDARD CONDITIONS

All land use activities allowed by this Ordinance, regardless of whether any permit or approval is required therefore, shall be conducted only in compliance with the following conditions:

15.22.01. Performance Guarantees

No activity or construction shall commence until the applicant has provided the Town with performance guarantees, including plant maintenance guarantees, sufficient to ensure the installation of improvements required by the Town.

15.22.02. Site Conditions

15.22.02.01.
During and after construction, the site shall be maintained and left each day in a safe and sanitary manner and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Code Enforcement Officer or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area should be regularly sprayed to control dust from construction activity.

15.22.02.02.
Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.

15.22.02.03.
No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved site plan.

Minimal changes in elevations or contours necessitated by field conditions may be made only after approval by the Code Enforcement Officer. All the changes necessitated by field conditions shall be shown on the final plan and indicated as a change from the preliminary, or if final approval has been granted, the changes shall be shown on the as- built plans.

15.22.03. Acceptance Not Implied

The approval by the Planning Board of any plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such plan.

When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the plan shall not constitute an acceptance by the Town of such areas. The Planning Board shall require the plan to contain 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 dedicated area.

15.22.04. Prohibitions

15.22.04.01.

No activity or use described in the Town of Veazie Site Plan Review Ordinance shall be commenced unless and until the property owner has received site plan approval from the Planning Board, has provided to the Town any required performance guarantees, and has received any necessary permits from the Code Enforcement Officer under 15.20.

15.22.04.02.

No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a subdivision plan has been approved by the Planning Board in accordance with this Ordinance, the Town of Veazie Subdivision Ordinance, and, if applicable, by the appropriate State authority under 38 M.R.S.A. § 471 et seq. Approval for the purposes of recording must appear in writing on the plan, which must contain the name and address of the person under whose responsibility the subdivision plan was prepared.

15.22.04.03.

No person, firm, corporation or other legal entity may sell, lease, develop, build upon, convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision which has not been approved by the Planning Board in accordance with this Ordinance, the Town of Veazie Subdivision Ordinance, and, if applicable, by the appropriate State authority under 38 M.R.S.A. § 481 et seq., and recorded in the Registry of Deeds.

15.22.04.04.

No person, firm, corporation or other legal entity may sell, lease, develop, build upon, convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in an approved subdivision which is not shown on the approved plan as a separate lot or unit.

15.22.04.05.
No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot.

No unit in a multifamily development shall be occupied before the street upon which the unit is accessed is completed in accordance with these and all other applicable Town regulations.

15.22.04.06.
No person, firm, corporation or other legal entity shall develop a subdivision without Planning Board approval and without approval pursuant to 38 M.R.S.A. Section 481 et seq., if applicable, or without the approved plan having been recorded in the Registry of Deeds. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require subdivision plan approved as provided.

15.22.04.07.
No Code Enforcement Officer, building inspector, plumbing inspector shall issue any permit for a building or use within a subdivision unless the subdivision plan has been approved by the Planning Board, approved pursuant to 38 M.R.S.A. Section 481 et seq., if applicable, and recorded in the Registry of Deeds.

15.22.05. Sale of Lots

15.22.05.01.
Prior to Enforcement Officer, building inspector, plumbing inspector shall issue any permit for a building or use within a subdivision unless the subdivision plan has been approved by the Planning Board, approved pursuant to 38 M.R.S.A. Section 481 et seq., if applicable, and recorded in the Registry of Deeds.

15.22.05.02.
Any person who sells, leases or conveys for consideration any land or dwelling unit in a subdivision that has been approve by the Planning Board but that is exempt from Title 38, Chapter 3, subchapter 1, article 6 because of the operation of Title 38, section 488, subsection 5, shall include in the instrument of sale, lease or conveyance a covenant to the transferee shat all of the requirements of Title 38, section 488, subsection 5, have been and will be satisfied.

15.22.06. Public Utilities

15.22.06.01.
No public utility, water zone, sanitary zone or any utility company of any kind shall serve any development for which a final plan has not been approved by the Planning Board.

15.22.06.02.
No public utility, water zone, sanitary zone or any utility company of any kind may install services to any new structure located in a shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous ordinance has been issue by the Code Enforcement Officer.

Following installation of service, the company, utility, or zone shall forward the written authorization to the Code Enforcement Officer, indicating thereon that the installation has been completed.

15.22.07. Maintenance

15.22.07.01.
The developer shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the Town.

15.22.07.02.
All land use activities allowed by this Ordinance shall, for the duration of such activities, comply with all applicable standards set forth herein.

15.22.08. Modifications

15.22.08.01.
No changes, erasures, modifications, or revisions shall be made in any site plan or subdivision plan after approval has been given by the Planning Board unless the revised plan is first submitted and the Planning Board approves any modifications. The Planning Board shall make findings that the revised plan meets the standards set forth in this Ordinance.

In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the plan stricken for the records of the Registry of Deeds.

15.22.08.02.
Subject to the provisions of the following two paragraphs, no land use activity for which Planning Board approval or a permit from the Code Enforcement Officer has been obtained shall be performed other than in strict compliance with all aspects of the approved plan or application.

15.22.08.03.
If at any time before the construction of any required improvements it is demonstrated to the satisfaction of the Code Enforcement Officer or his designee that unforeseen conditions, such as outcrops or bedrock or the presence of natural springs, make it necessary or preferable to modify the location or design of such required improvements, the Code Enforcement Officer or his designee may, with or without the approval of the Planning Board, authorize minor modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board. Prior to any major modifications, such as relocations of rights-of-way or property boundaries and changes of grade by more than one percent (1%), the developer shall obtain the approval of the Planning Board. In any event, revised plans, reflecting minor or major modifications, shall be filed with the Code Enforcement Officer.

15.22.08.04.
Upon completion of the construction of any street, sewer lines, water lines, utilities or other required improvements, the developer, at his/her expense, shall submit to the Town Council a written certification, signed and sealed by a licensed professional engineer, that the improvements, as built, meet or exceed the design and construction standards of this Ordinance.

15.22.09. Inspection

15.22.09.01.
By undertaking an activity allowed by this Ordinance, an owner implicitly grants to the Code Enforcement Officer, or his/her designee, the right to enter and have access to the premises at which the activity is taking place at all reasonable and proper times during and immediately upon the completion of construction, to ensure compliance with all applicable standards set forth in this Ordinance.

If, at any time, the Code Enforcement Officer finds that the development is not being undertaken in accordance with the standards contained in this Ordinance or with any conditions imposed by the Planning Board, he or she shall so report in writing to the Town Council, the Planning Board, the developer, and any contractors. The Municipal Officials shall take any steps necessary to preserve and protect the Town's rights and to enforce compliance with this Ordinance and any approved plan.

15.22.09.02.
At least five (5) days prior to commencing each major phase of construction of required improvements, the developer or builder shall notify the Code Enforcement Officer in writing of the time when he/she proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to ensure that all municipal specifications and requirements shall be met during the construction of required improvements, and to ensure the satisfactory completion of improvements and utilities required by the Planning Board.

15.22.09.03.
At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual.

By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Planning Board based on that inspection, addressing whether stormwater and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.

15.22.10. Time Frame for Completion

15.22.10.01. Permits
Activities or uses for which a permit from the Code Enforcement Officer is required shall be commenced within six (6) months and, except for activities and uses which are by their nature ongoing, shall be substantially completed within twelve (12) months from the date of the issuance of the permit.

Failure of the applicant to abide by the time requirements of this paragraph shall render the permit null and void and require the applicant to obtain a new permit before the activity or use may proceed further.

15.22.10.02. Planning Board Approvals

Activities or uses for which approval of the Planning Board is required shall be commenced within six (6) months and, except for activities which are by their nature ongoing, shall be substantially completed within eighteen (18) months of the approval unless the Planning Board, within the time originally allotted, extends the time for completion by up to twelve (12) months. Any extension shall be granted only upon a finding by the Planning Board that the developer has made progress toward completion or that progress has been prevented by reasons beyond the control of the developer, and that any required performance guarantees have been updated accordingly and revised to provide for increased costs. Failure of the developer to abide by the time requirements of this paragraph shall render the approval null and void and require the developer to reapply for Planning Board approval before the activity or use may proceed further.

Upon determining that a development's approval has expired under this paragraph, the Planning Board shall have a notice to that effect placed in the Penobscot County Registry of Deeds.

15.22.11. Construction Standards

All construction or development permitted in the Town of Veazie shall comply with all applicable requirements or standards:

15.22.11.01. Set forth in the following codes and ordinance:

15.22.11.01.01.

Such edition of the National Electrical Code, (NEC), published by the National Fire Protection Association, as may be adopted by the Veazie Town Council or as may be required or recognized by the State of Maine;

15.22.11.01.02.

Such edition, or portions thereof, of the Code for Safety to Life in Buildings and Structures (ANSI/NFPA 101), published by the National Fire Protection Association, as may be adopted by the Veazie Town Council or as may be required or recognized by the State of Maine;

15.22.11.01.03.

The State of Maine Plumbing Code.

15.22.11.02.

Of the Energy Efficient Building Performance Standards set forth in 10 M.R.S.A. § 1412 et seq.

15.22.11.03.

For construction for the physically disabled set for the in 5 M.R.S.A. § 4593 and 25 M.R.S.A. § 2701 et seq.

15.22.11.04.
Of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.

15.22.12. Transferability

15.22.12.01. Planning Board Approvals
No approval granted by the Planning Board shall be transferable to any other person or entity until and unless the Planning Board finds, upon the written request of the proposed transferee, that:

15.22.12.01.01.
the proposed transferee has adequate technical and financial capacity to complete the development as initially approved;

15.22.12.01.02.
Sufficient performance guarantees have been provided by the proposed transferee to ensure all required improvements will be completed as initially approved.

15.23. ENFORCEMENT

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

15.23.02. Code Enforcement Officer

15.23.02.01. Authority
The Code Enforcement Officer shall be appointed or reappointed annually and, if certified in accordance with 30-A M.R.S.A. § 4451, shall have all of the powers and authorities described in 30-A M.R.S.A. § 4451 and 4452, as same may be amended.

The Code Enforcement Officer is specifically authorized to represent the Town in District Court in the prosecutions of alleged violations of ordinances which he/she is authorized to enforce.

15.23.02.02. Enforcement and Notice of Violation
The Code Enforcement Officer shall enforce the provisions of this Ordinance as well as all State statutes which are or may be enforced at the local level, including, but not limited to those statutes enumerated in 30-A M.R.S.A. §§ 4451(2-A) and 4452(5), as amended.

If, after investigation, the Code Enforcement Officer finds that any provision of this Ordinance is being violated, he/she shall give written notice by certified mail, return receipt requested, of such violation to the owner and to the occupant of such premises and to any other person responsible for such violation, indicating the nature of the violation and ordering action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions be taken within some designated reasonable time. A copy of such notice shall be submitted to the Town Council and shall be maintained as a permanent record.

15.23.02.03. Inspection and Investigation

The Code Enforcement Officer shall conduct onsite 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.

15.23.02.04. Records

The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied by the Board of Appeals, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. As required by law, a summary of this record shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

15.23.03. Proceedings and Penalties

15.23.03.01. Actions and Consent Agreements

15.23.03.01.01.

If, after notice given pursuant to the Section 15.22, the violation or nuisance condition is not abated or corrected within the specified time, the Code Enforcement Officer or the Town Attorney shall institute, in the name of the Town, any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

15.23.03.01.02.

The Town Council may enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines and attorney's fees without court action. Such agreements shall not allow an illegal structure or use to continue in a shoreland zone unless there is clear and convincing evidence that illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal or discontinuance of the structure or use will result in a threat or hazard to public health and safety, will result in substantial environmental damage or will work a substantial injustice.

15.23.03.02. Fines and Penalties

15.23.03.02.01.

Any person, firm, corporation or other legal entity that conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this Ordinance or that continues to violate any other provision of this Ordinance after receiving notice of such violation shall be subject to such fines, penalties, actions and orders as are authorized by 30-A M.R.S.A. § 4452, as same may be amended. A fine or penalty shall be imposed for each separate offense or violation. Each day of violation after notification shall constitute a separate offense with respect to each violation.

15.23.03.02.02.
Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for fines violating this Ordinance if the necessary permits for said activity have not been obtained.

15.23.04. Suspension or Revocation of Approvals or Permits

15.23.04.01.
The Code Enforcement Officer may suspend an approval or permit if:

15.23.04.01.01.
It was granted based upon incomplete or false information;

15.23.04.01.02.
Continuation of the land use activity authorized would result in the violation of Federal or State law or local ordinances;

15.23.04.01.03.
The continuation of the land use activity authorized is endangering or may endanger the safety or general welfare of the community during the construction or work for which the approval or permit was granted;

15.23.04.01.04.
The applicant or his/her agent is exceeding the scope of the work for which the permit was issued; or

15.23.04.01.05.
The Code Enforcement Officer determines that he/she is unable to rule on the continued validity of an approval or permit, in which case he/she shall suspend the approval or permit, without penalty, and require the holder to file an appeal.

15.23.04.02.
The Code Enforcement Officer shall suspend an approval or permit by furnishing to the applicant a written notice of suspension stating:

15.23.04.02.01.
The reason for the suspension;

15.23.04.02.02.
The corrective measures to be taken; and

15.23.04.02.03.
The period of time given to the applicant to correct the violation or potential violation.

15.23.04.03.
A suspension shall cease when the Code Enforcement Officer certifies that the violation or potential violation ceases to exist. When a cause for suspension has been removed or corrected, the Code Enforcement Officer shall so certify, in writing, and state:

15.23.04.03.01.
The reason for the suspension;

15.23.04.03.02.
The corrective measures taken;

15.23.04.03.03.
The period of time which the applicant had to correct the violation; and

15.23.04.03.04.
A statement that all applicable penalties have been paid.

15.23.04.04.
If, within the time specified in a notice of suspension for correction, the violations are not corrected or removed, the Code Enforcement Officer shall revoke the approval or permit by furnishing to the applicant a written notice of revocation setting forth the reasons therefore.

15.23.04.05.
During the period of a suspension or revocation, no work shall continue on a project for which an approval or permit was granted except in the interests of public safety and protection of the property in place at the time of revocation, such work having the written approval of the Code Enforcement Officer. No such work for which an approval or permit has been revoked shall be resumed until and unless a new approval or permit is obtained by the applicant.

15.23.05. Attorney's Fees and Costs
An applicant shall pay to the Town all attorney's fees, court costs and out of pocket expenses uncured by the Town in any enforcement action undertaken to correct the applicant's violation of this Ordinance.

15.24. APPEALS AND VARIANCES

15.24.01. Board of Appeals

15.24.01.01. Organization
A Board of Appeals shall exist in accordance with Title 30-A M.R.S.A. § 2691 and Article VI of the Veazie Town Charter, as amended.

The members of the Board shall annually elect one (1) of their number as chairman to preside at all meetings of the Board and one (1) of their number to serve as secretary. A person shall forfeit his membership on said Board if he fails to attend three (3) meetings of the Board in any one calendar year without being excused by the Board.

When a member is unable to act because of absence, physical incapacity, or any other reasons satisfactory to the chairman, the chairman shall designate the associate member to act in his/her stead.

When designated by the chairman to act, the associate member shall have all the authority and responsibility of a member but the associate member may not hold any office on the Board. A board member may also be disqualified from participating in or voting on a particular matter due to a conflict of interest. Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a member from voting thereon, shall be decided by a majority vote of the members, except the member whose potential conflict is under consideration.

15.24.01.02. Authority

The Board shall have the power to hear and decide matters as expressly authorized by this Ordinance or the Town of Veazie Charter. The Board shall not assert jurisdiction over any matter unless the Town of Veazie has, by ordinance or charter, specified the precise subject matter that may be appealed to the Board and the official or officials whose action or non-action bay be appealed to the Board. No meeting of the Board shall be held without a quorum consisting of three (3) members or associate members authorized to vote. The Board shall act by majority vote of the members present and voting.

15.24.01.03. Applicability of Law

Except to the extent that they are inconsistent with the provisions of this Ordinance or the Town of Veazie Charter, all the provisions of Title 30- A M.R.S.A. §§ 2961 and 4353, as amended, shall apply to and govern the organization, procedures and jurisdiction of the Board of Appeals.

15.24.02. Variances

15.24.02.01. Authority

A variance may be granted by the Board of Appeals:

15.24.02.01.01.

For any structure, from the restrictions imposed by this Ordinance on lot size, structure height, lot width, lot coverage and setback only, where a strict application of such restrictions to the petitioner and the petitioner's property would cause undue hardship. For purposes of this section "undue hardship" shall mean that:

15.24.02.01.01.01.

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

15.24.02.01.01.02.

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

15.24.02.01.01.03.

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

15.24.02.01.01.04.

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

15.24.02.01.02.
For the year round single family residence of the petitioner, from the restrictions imposed by this Ordinance on setback only, where a strict application of such restrictions to the petitioner and the petitioner's property would cause undue hardship. A variance under this section may not exceed twenty percent (20%) of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed maximum permissible lot coverage. For purposes of this section "undue hardship" shall mean that:

15.24.02.01.02.01.
The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

15.24.02.01.02.02.
The granting of a variance will not alter the essential character of the locality;

15.24.02.01.02.03.
The hardship is not the result of action taken by the applicant or a prior owner;

15.24.02.01.02.04.
The granting of a variance will not substantially reduce or impair the use of abutting property; and

15.24.02.01.02.05.
The granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

15.24.02.01.03.
For residential property for the sole purpose of making the property accessible to a person with a disability who is actually living on the property. Any variance granted under this section shall be restricted solely to the installation of equipment of the construction of structures necessary for access to or egress from the property by the person with the disability.

In granting such a variance, the Board of Appeals may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For purposes of this section, a disability has the same meaning as a physical or mental handicap under 5 M.R.S.A. § 4553, as amended, and the term "structures necessary for access to or egress from the property" is defined to include railing, wall or roof system necessary for the safety or effectiveness of the structure.

15.24.02.01.04.
A variance shall not be granted to permit a use or structure otherwise prohibited by this Ordinance.

15.24.02.02. Application

An application for a variance shall include the following:

15.24.02.02.01.
A completed application on a form prescribed by the Code Enforcement Officer.

15.24.02.02.02.
An administrative fee and a public notice fee, which fees shall, from time to time, be set by the Veazie Town Council;

15.24.02.02.03.
If a variance sought for a project already competed, a late fee which shall, from time to time, be set by the Veazie Town Council.

15.24.02.02.04.
A written statement, which shall be accompanied by photographs and scale diagrams of the subject property and abutting properties, and such other evidence as the petitioner may choose to submit, demonstrating such of the following as are applicable:

15.24.02.02.04.01.
The exact nature of the hardship alleged;

15.24.02.02.04.02.
The physical circumstances that create the alleged hardship;

15.24.02.02.04.03.
That such physical circumstances are peculiar to the property in question and are not substantially duplicated on other property adjoining or nearby in the same neighborhood or zone;

15.24.02.02.04.04.
That the relief sought would not adversely affect property adjoining or nearby in the same neighborhood or the same zone, and would not endanger the public health, safety or convenience, and would not be contrary to this Ordinance or the Veazie Comprehensive Plan;

15.24.02.02.04.05.
The nature and anticipated duration of the disability that creates the need for the variance;

15.24.02.02.04.06.
The need for which the variance is sought and why other alternatives which would not require a variance are not feasible; and

15.24.02.02.04.07.
That all other elements of undue hardship, as defined above, are present.

15.24.02.03. Submissions Generally

15.24.02.03.01.
At least twenty (20) days prior to the Board of Appeals meeting at which a petitioner wishes to be heard, the petitioner shall provide to the Code Enforcement Officer eight (8) copies of all application materials. except that each submission shall be conspicuously labeled "VARIANCE EXHIBIT 1", VARIANCE EXHIBIT 2", and so on, in consecutive fashion.

15.24.02.03.02.
For variances concerning property partially or entirely located in a shoreland zone, the petitions shall ensure receipt by the Commissioner of the Department of Environmental Protection of copies of all application materials at least twenty (20) days prior to the Board of Appeals meeting at which a petitioner wishes to be heard. At least ten (10) days prior to such meeting the petitioner shall present to the Code Enforcement Officer written proof of the Commissioner's timely receipt of such materials. Failure to provide such proof shall result in the delay of any hearing on the petitioner's applications until such time as the Commissioner has received the application materials in a timely manner. Any comments received from the Commissioner prior to action by the Board of Appeals shall be taken into consideration by the Board of Appeals.

15.24.02.03.03.
At least two (2) days prior to the public hearing on variance request, any other person wishing to present documentary evidence to the Board of Appeals, shall provide to the Code Enforcement Officer eight (copies of all such evidence. except that each submission shall be conspicuously labeled with that person's surname followed by "EXHIBIT 1", "EXHIBIT 2", and so on, in consecutive fashion.

15.24.02.04. Hearing

Within forty-five (45) days of the Code Enforcement Officer's receipt of the required copies of a variance application, unless delay is caused by the petitioner's failure to comply with the requirements of 15.24.2.3., the Board of Appeals shall conduct a public hearing on said application in accordance with the following:

15.24.02.04.01. Published Notice
Notice of said hearing shall be published in a newspaper of general circulation in the Town of Veazie at least ten (10) days prior to the hearing date.

15.24.02.04.02. Mailed Notice
At least ten (10) days prior to the hearing date, written notice of said hearing shall also be mailed to the applicant, to the owners of all property within three hundred feet (300') of the property in question, and to the Veazie Town Council and the Veazie Planning Board, each of which shall be parties.

The owners of property shall be considered to be those shown on the Town's tax list as the persons against whom taxes are assessed. The Board of Appeals shall, in each case, maintain a list of property owners so notified. Notice shall be deemed received if mailed to an owner's last known address according to the Town tax records.

Failure of any property owner to actually receive notice shall not necessitate another hearing or invalidate any actions of the Board of Appeals.

15.24.02.04.03. Contents of Notice
Notice of said hearing shall identify the petitioner and the property involved, describe the specific nature of the proposal, state the date, time and place of the hearing, and explain how the recipient of the notice may attend and present evidence.

15.24.02.04.04. Rules
Said hearing shall be conducted according to rules adopted by the Board of Appeals.

15.24.02.04.05. Representation
At any hearing a party may be represented by an agent or attorney provided, however, that if any party is not present, any person acting as that party's agent or attorney shall provide written evidence of such authority.

15.24.02.04.06. Continuation
Any hearing may be continued or recessed to another time for good cause shown.

15.24.02.04.07. Staff Support
The Code Enforcement Officer, Town Manager and department heads may attend all hearings and present to the Board of Appeals plans, photographs or other materials they deem appropriate for the clearer understanding of a pending application.

15.24.02.05. Deliberation and Decision
Within thirty (30) days after the public hearing on an application for a variance, the Board of Appeals shall deliberate to determine whether to grant the variance. If the Board of Appeals finds that the petitioner has demonstrated an undue hardship as defined above, it shall issue an order granting the variance requested, subject to such terms and conditions it considers advisable to protect the public's health, safety and general welfare. If the Board of Appeals finds that the petitioner has not demonstrated an undue hardship, it shall issue an order denying the variance.

In either case the Board of Appeals shall, within seven (7) working days after the completion of its deliberations, mail or hand deliver to the petitioner, the petitioner's representative, the Chairpersons of the Veazie Planning Board and Tow Council, and, if a variance is granted for property located within a shoreland zone, to the Department of Environmental Protection, a written copy of its decision, including specific written findings of fact supporting the decision.

15.24.02.06. Certificate of Variance
If the Board of Appeals grants a variance under this section, a certificate indicating the current property owner, identifying the property by reference to the last recorded deed in its chain of title, and indicating the fact that a variance, including any conditions thereof, has been granted, and the date of the granting, shall be prepared in recordable form. The certificate must be signed by the Town Manager or his/her designee and recorded in the Penobscot County Registry of Deeds within ninety (90) days of the granting of the variance or the variance is void. A variance is not valid until a certificate thereof has been recorded in accordance with this section.

15.24.03. Administrative Appeals

15.24.03.01. Authority

The Board of Appeals may, upon written application of an aggrieved party received by the Code Enforcement Officer within thirty (30) days of a decision of the Planning Board or Code Enforcement Officer, hear appeals from such decision.

15.24.03.02. Application

An application for an administrative appeal shall include the following:

15.24.03.02.01.
A completed application on a form prescribed by the Code Enforcement Officer;

15.24.03.02.02.
An administrative fee and a public notice fee, which fees shall, from time to time, be set by the Veazie Town Council;

15.24.03.02.03.
A transcript of any proceeding before the Planning Board, which transcript shall be prepared at the expense of the Appellant;

15.24.03.02.04.
Copies of all relevant submissions previously presented to the Planning Board or the Code Enforcement Officer;

15.24.03.02.05.
A written statement setting forth the appellant's position as to the basis for the appeal and the relief requested;

15.24.03.02.06.
Copies of any written findings issued by the Planning Board or the Code Enforcement Officer;

15.24.03.02.07.
Such other materials as the appellant believes will be of assistance to the Board of Appeals in making its decision.

15.24.03.03. Submissions Generally

15.24.03.03.01.
Upon submitting an application for an administrative appeal, the appellant shall provide to the Code Enforcement Officer eight (8) copies of all application materials, except that each submission shall be conspicuously labeled "APPELLANT'S EXHIBIT 1", "APPELLANT'S EXHIBIT 2", and so on, in consecutive fashion.

At least two (2) days prior to the public hearing on an appeal, any other person wishing to present documentary evidence to the Board of Appeals, shall provide to the Code Enforcement Officer copies of all such evidence in form and quantity described in Section 15.23.03 except that each submission shall be conspicuously labeled with that person's surname followed by "EXHIBIT 1", "EXHIBIT 2", and so on, in consecutive fashion.

15.24.03.04. Hearing

Within thirty (30) days of the Code Enforcement Officer's receipt of the required copies of an application for an administrative appeal, the Board of Appeals shall conduct a hearing, which hearing shall not be a de novo hearing, on said application in accordance with Section 15.23.03.02. except that neither the Planning Board nor the Town Council shall be considered parties to the proceeding.

15.24.03.04.01.

Except that neither the Planning Board nor the Town Council shall be considered parties to the proceeding.

15.24.03.05. Deliberation and Decision

Within thirty (30) days after the hearing on an application for an administrative appeal, the Board of Appeals shall deliberate to determine whether the decision appealed is clearly contrary to the specific provisions of this Ordinance. It may reverse the decision, subject to such terms and conditions it considers advisable to protect the public's health, safety and general welfare, or it may vacate the decision and may remand it to the Planning Board or the Code Enforcement Officer for further proceedings consistent with its decision. If the Board of Appeals does not find that the decision appealed is clearly contrary to the specific provision of this Ordinance, it shall deny the appeal. In either case the Board of Appeals shall, within seven (7) working days after the completion of its deliberations, mail or hand deliver to the appellant, the appellant's representative, and the Chairpersons of the Veazie Planning Board and Town Council, a written copy of its decision, including specific written findings of fact supporting its decision.

15.24.03.06. Recording

All proceedings of the Board of Appeals, including hearings and deliberations, but except proceedings legally conducted in executive session, shall be electronically or stenographically recorded.

15.24.03.07. Failure to Act

Failure of the Board of Appeals to act within any of the time requirements set forth herein shall constitute a denial.

15.24.03.08. Reconsideration

Upon the written request and the payment of such fee as may be established by the Veazie Town Council, by any party made within thirty (30) days of a decision made pursuant to this section the Board of Appeals may reconsider such decision and, in doing so, may conduct additional hearings and receive additional evidence or testimony.

A request for reconsideration shall set forth in detail the reasons that the request should be granted, and shall specify the exact nature of any additional evidence or testimony the party intends to present. Within fifteen (15) days of a request for reconsideration, guidelines for any reconsideration.

In no event shall the procedures associated with a reconsideration, including any hearing and the time for deliberation, extend beyond forth- five (45) days from the date of the request for reconsideration. In the event of a request for reconsideration, the time for taking an appeal to Superior Court shall be extended to thirty (30) days from the date of the Board of Appeals' ultimate decision on such request.

15.24.03.09. Appeal to Superior Court

15.25. CONSTRUCTION AND DEFINITIONS

15.25.01. Construction of Language

Language used in this Ordinance shall be construed as follows:

15.25.01.01.
In the interpretation and enforcement of this Ordinance, all words other than those specifically defined herein shall have the meaning implied by their context in the ordinance or their ordinarily accepted meanings as found in the current edition of Webster's New Collegiate Dictionary.

15.25.01.02.
The words "person," "applicant" and "developer" include individuals, firms, associations, corporations, partnerships, trusts or other legal entities.

15.25.01.03.
Words used or defined in one tense or form shall include other tenses or derivative forms.

15.25.01.04.
Words in the singular shall include the plural and words in the plural shall include the singular.

15.25.01.05.
The masculine gender shall include the feminine, and the feminine shall include the masculine.

15.25.01.06.
The words "shall" and "will" are mandatory and the word "may" is permissive.

15.25.01.07.
The word "structure" includes the word "building".

15.25.01.08.
The word "dwelling" includes the word "residence".

15.25.01.09.
The word "lot" includes the words "plot" or "parcel".

15.25.01.10.
The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

15.25.01.11.
The words "Town" or "municipality" mean the Town of Veazie, Maine.

15.25.01.12.
In case of any difference of meaning or implication between the text of this Ordinance, any map, illustration, or table, the text shall control.

15.25.02. Definitions

The following terms shall have the following meanings:

Abutting: Having a common border with, or being separated from such common border by an alley, easement, street, road, public way or private way.

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

Accessory Structure: See Structure

Accessory Use: See Use

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

Active Recreation: See Recreation.

Aggrieved Person: An owner of land whose property is directly or indirectly affected by the granting or denial of site plan or subdivision approval, a permit or a variance under this Ordinance; a person whose land abuts land for which such approval, 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 approval, permit or variance.

Agriculture: The production, keeping or maintenance, for sale or lease, of plants 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 the construction, creation or maintenance of land management roads, forest management, or timber harvesting activities. For purposes of this Ordinance, agriculture is divided into two categories;

- **Agriculture I:** Agriculture exclusive of the production, keeping, raising or maintenance of livestock, dairy animals or poultry.

- **Agriculture II:** All types of agriculture.

Alley: A thoroughfare either used or shown on any recorded description of the subject parcel(s), which is not more than thirty feet (30') wide and which affords only a secondary means of access to abutting property.

Alteration :A change, addition, or modification requiring construction, including any change in the location of structural members of buildings or structures such as bearing walls, columns, beams, or girders, or of the means of egress. The term includes enlargement, whether by extending on a side or by increasing height, but does not include decorative or cosmetic changes.

Appeal: A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Section 15.24.

Area of Special Flood Hazard: The land in the food plain having a one percent (1%) or greater chance of flooding in any given year.

Attic: The part of a building which is immediately below, or wholly or partly within, the roof framing.

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

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

Automobile Graveyard: A place occupied by two (2) or more unregistered, unserviceable, discarded or junked motor vehicles, as defined in 29 M.R.S.A. § 1(7), or bodies, engines or other parts thereof sufficient in bulk to equal two motor vehicles. A yard, field or other screened area where salvaged automobiles or automobile parts are stored, bought, sold, exchanged, baled, packed, disassembled or handled.

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

Automobile Recycling Business: The business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of vehicles or rebuilding or repairing the vehicles for the purpose of resale or for selling the basic materials in salvage vehicles.

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

Automobile Service Station (Filling Station): Any premises used for supplying gasoline and oil at retail, direct to the customer, including the sale of minor accessories and minor services for automobiles.

Banner: A sign on any lightweight material, enclosed or not enclosed in a rigid frame, and secured, mounted, suspended or displayed in a manner to allow movement caused by wind.

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

Basal Area: The area of cross section of a tree stem four and one-half feet (4 ½') above the ground, inclusive of bark.

Bed and Breakfast: See Transient Accommodations.

Bikeway/Pedestrian Way: A paved shoulder that is marked for exclusive use by cyclists and pedestrians.

Billboard: See Sign.

Boat Yard, Commercial: A place, usually adjacent to navigable waters where, as a business or gainful occupation, boats are hauled, stored, repaired or constructed.

Boarding, Rooming House:
A building or group of attached or detached buildings containing three (3) or more rooms for occupancy for weekly or longer periods of time with or without board, in which common kitchen or living facilities may or may not be provided, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients. A rooming house may be operated for profit or by nonprofit agencies which do not require payment from occupants. Rooming house units shall not meet the definition of a dwelling unit. For the purposes of computing density and parking requirements two (2) rooms shall equal one (1) multi-family dwelling unit."

Buildable or Developable Area: The land area in a proposed subdivision, excluding wetlands, streams and steep slopes, that is suitable for residential construction and roadways.

Buildable or Developable Area, Net: The buildable area minus the land set aside to meet the open space requirement. Roadways are considered part of the net buildable area.

Buffers: Fences, landscaping, berms and mounds used to minimize any adverse impacts or nuisance of the site on adjacent areas.

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

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

Building Front Line: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

Building Inspector: See Code Enforcement Officer.

Built: Erected constructed, reconstructed, altered, enlarged, moved, extended, filled, excavated, paved and the like.

Bureau of Forestry: State of Maine Department of Conservation's Bureau of Forestry.

Caliper: A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half feet (4.5') above natural grade.

Camper: A travel trailer or recreational vehicle equipped with sleeping accommodations.

Campground: Any land area specifically designed and developed, containing two (2) or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents, recreational vehicles or towed travel trailers for compensation. Accessory uses, subject to a site plan review, include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services and the like.

Campsite, Private: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not limited to gravel pads, parking areas, fire places, or tent platforms.

Canopy: The more or less continuous cover formed by tree crowns in a wooded area.

Cemetery: Property used for the interment of the dead.

Certificate of Occupancy: Official certification that a premise conforms to provisions of this Ordinance and may be used or occupied. Such a certificate is granted for new construction or for alteration of or additions to existing structures. Unless such a certificate is issued, a structure cannot be used or occupied.

Change in Use: The change from an existing use to another use, including without limitation, the addition of a new use to an existing use.

Channel: A water course between defined banks created by the action of surface water and characterized by the lack of terrestrial vegetation and by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil parent material or bedrock.

Child Care I: A private home providing day care for five (5) or fewer children under the age of sixteen (16) which charges for the care of children and which holds all legally required licenses and approvals. Child Care I shall be considered a home occupation.

Child Care II: A private home providing day care for six (6) to twelve (12) children under the age of sixteen (16) which charges for the care of children and which holds all legally required licenses and approvals. Child Care I shall be considered a home occupation.

Child Care III: A private establishment providing day care for more than twelve (12) children under the age of sixteen (16) which charges for the care of the children and holds all legally required licenses and approvals.

Church: A building or structure, or groups of buildings or structures, designed, primarily intended or used for the conduct of religious services and accessory uses associated therewith.

Club: Any voluntary association of persons organized for fraternal, social, religious, benevolent, recreational, literary, patriotic, scientific, or political purposes whose facilities are open to members but not the general public, and which is principally engaged in activities which are not customarily carried on for pecuniary gain.

Cluster Development: A development containing residential dwelling units and in which the minimum lot standards otherwise required by this Ordinance are reduced or modified in accordance with the Subdivision Ordinance in return for the provision of permanent common open space owned by lot/unit owners, the Town or a land conservation organization.

Code Enforcement Officer: A person appointed by the municipal officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector and the like where applicable.

Commercial Use: The use of lands, buildings, or structures, other than a home occupation as defined below, the intent and result of which activity is the production of income from the buying and selling of goods or services, exclusive of rental of residential buildings and/or dwelling units.

Commercial Establishment: An establishment used for commercial purposes, such as bars, restaurants, private offices, fitness clubs, oil rigs, retail stores, banks and financial institutions, supermarkets, auto and boat dealerships, and other establishments with common business areas.

Comprehensive Plan: Any part or element of the overall plan or policy for development of the Town as defined by 30-A M.R.S.A. Section 4321 et seq.

Congregate Housing: A private, licensed establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age or physical condition do not desire to, but are financially capable of providing such care for themselves, and who are not in need of medical or nursing treatment except in the case of temporary illness.

Contiguous Lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen feet (15') wide.

Cross-sectional area: The cross sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream width is the straight line distance from the normal high water line on one side of the channel to the normal high water line on the opposite side of the channel.

The average stream or tributary stream channel depth is the average of the vertical distances from the straight line between the normal high water lines of the stream or tributary stream channel to the bottom of the channel.

Cul de sac: A local street with only one outlet, and having the other end for the reversal of traffic movement.

DBH: The diameter of a standing tree measured 4.5 feet from ground level.

Deck: A level structure adjacent to a building elevated above the surface of the ground which may have a railing, but no roof, awning or other covering.

Decorative Changes: Repainting; re-siding; re-roofing; adding, removing or replacing trim, railings, or other nonstructural architectural details.

Dedication: The transfer of property interests from private to public ownership for a public purpose. The transfer may be fee simple interest, or of a less than fee simple interest, including an easement.

Density: A measurement of the number of dwelling units per acre.

Density, Gross: The number of dwelling units allowed per acre of buildable or developable area.

Density, Net: The number of dwelling units per acre of net buildable or developable area.

Density Bonus: An optional planning and growth management tool that permits a developer to cluster dwelling units at a higher density than normally allowed in exchange for concessions on open space or for exceptional design features.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas and streets.

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

Development: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Ordinance.

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

Disability: See physical or mental handicap under 5 M.R.S.A. § 4553-A.

Disruption of Shoreline Integrity: The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and /or rutted soil, an abnormal channel or shoreline cross section, and in the case of flowing waters, a profile and character altered from natural conditions.

Dormer: A modification of a roof which increases the elevation of a portion of that roof for the purpose of providing either more interior space or a window.

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

Driveway: A vehicular access-way less than five hundred feet (500') in length serving two (2) lots or less.

Dwelling: A building or portion thereof, used exclusively for residential occupancy and containing one (1) or more dwelling units.

Dwelling, Multifamily I: A building or portion thereof used for residential occupancy by three (3) to four (4) families living independently of each other and doing their own cooking in the building in each of three (3) or four (4) separate and independent dwelling units.

Dwelling, Multifamily II: A building or portion thereof used for residential occupancy by five (5) or more families living independently of each other and doing their own cooking in the building in each of five (5) or more separate and independent dwelling units.

Dwelling, Single Family: A building designed or intended to be used exclusively for residential occupancy by one (1) family only and containing only one (1) dwelling unit and having no roof, wall or floor in common with any other dwelling unit. The term shall include modular, prefabricate and manufactured homes.

Dwelling, Two Family: A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other and doing their own cooking in the building in each of two (2) separate and independent dwelling units.

Dwelling Unit: A room or group of rooms which is designed, equipped and intended exclusively for use as a temporary or year round living quarters by only one (1) family, which contains independent living, cooking, sleeping, bathing and sanitary facilities, and which is separate and independent from other such rooms or groups of rooms.

Earth: Topsoil, sand, gravel, clay, peat, rock, or other minerals.

Easement: Authorization of a property owner of use by another of any designated part of the owner's property for a specified purpose.

Educational Institution: A building or group of buildings in which post-secondary students are housed, fed, instructed and governed while working toward undergraduate, graduate or post-graduate degrees in a university or college setting.

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

Enlargement: An addition to the floor area or volume of an existing building, an increase in the size or volume of any other structure, an increase in that portion of a tract of land occupied by an existing use, the addition of weeks or months to a business' operating year, the addition of hours to a business operating day or the provision of additional seats, seating capacity or guest rooms.

Essential Services: The construction, alteration or maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

Expansion: See Enlargement.

Extension: An increase in the amount of existing floor area used for an existing use within an existing building.

Exterior Walls of Traditional Site-Built Appearance: Siding materials such as clapboards, shingles and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles and shakes. This term shall also include masonry, brick, stucco, and wood board-and-batten.

Extraction: The excavation, processing, storage or removal from its natural location of soil, sand, gravel, rock, topsoil, loam, clay, peat or other mineral deposits, not including:

- the excavation of material incidental to approved construction of buildings, driveways or parking areas;
- the excavation of material incidental to and at the site of construction or repair of streets; or
- the excavation, processing or storage of less than ten (10) cubic yards of material on a lot within a one (1) year period.

The stripping of loam, topsoil and peat from a lot is expressly prohibited by this Ordinance.

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

Filling: Depositing or dumping any matter on or into the ground or water.

Flood Plain: Land subject to inundation by storm or flood water caused by overflow from the normal high water line of any coastal or inland waters or as defined or identified by the Flood Boundary Maps of the Town of Veazie.

Floor Area: The sum of 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.

Food Processing Facility: A place housing any operation which changes the chemical composition or physical properties of food materials or agricultural products consumed by humans. An example would be a creamery where dairy products such as better, cheese and ice cream are made. The term does not include slaughterhouses or restaurants where food is prepared and sold at retail.

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

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

Forest Stand: A contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

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, Road: The linear distance, measured along the lot line which separates the lot from a public or private road, but not including a private driveway providing access to more than one lots.

Frontage, Shore: The length of a lot bordering on a water body measured in a straight line between the intersections of the side lot lines with the shoreline at normal high water elevation.

Funeral Home: A business establishment where the bodies of the dead are prepared for burial and where funeral services can be held, it does not include crematory.

Functionally Dependent Water Use: See use, Water Dependent.

Garage, Commercial: A structure used for parking or storage of automobiles, generally available to the public and involving payment of a charge for such parking or storage. A garage use solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a commercial garage, but rather a permitted accessory structure, and use, even though not on the same premises as the multifamily dwelling or hotel.

Garage, Residential: An accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence occupying not more than thirty-five percent (35%) of the ground floor area of any principal one or two family dwellings; not more than one (1) space may regularly be used by the private passenger automobile of a person not resident on the premises.

Government Facility: A governmental or public service use for the general benefit of the citizens funded in whole or in part by the Town of Veazie or a quasi-public organization, including by way of illustration and without limitation, municipal buildings, schools, public parks and recreational facilities, fire stations, ambulance services, sewage treatment plants, and County, State and Federal buildings.

Grade: In relation to buildings, the average of the finished ground level at the center of each wall of a building.

Gravel Pit: See Extraction

Greenhouse, Commercial: An enclosed building, permanent or portable, which is used for the growth of small plants to be sold at wholesale or retail.

Greenhouse, Non-Commercial: An accessory building to a residence designed or used for the growth of small plants.

Grocery Store: A small neighborhood owner-operated establishment retailing food and related commodities, as distinguished from a supermarket.

Gross Leasable Area (GLA): The total floor area leased to house a particular use including, but not limited to, storage, and private areas. In the case of owner-occupied space where no lease exists, GLA shall be construed to mean gross floor area.

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

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

Harvest Area: The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction takes place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting un- harvested areas greater than 10 acres within the area affected by a harvest.

Health Institution: A hospital, clinic, nursing home, boarding care facility or any other place for the treatment or diagnosis of human ailments, excluding professional offices.

Height: The vertical distance between the mean original grade at the downhill side of a structure and the highest point of the structure, except steeples, church spires, transmission towers, silos, water towers, residential chimneys, and radio and television towers.

High Intensity Soil Survey: A map prepared by a Maine Certified Soil Scientist, identifying the soil types down to 1/10 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey.

The map shall show the location of all test pits or auger samples used to identify the soils, and shall be accompanied by a log of each sample point identifying the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

Home Occupation: An occupation or profession which is (1) customarily conducted in a residential neighborhood; (2) except for Child Care I and II, carried on entirely within a residential dwelling unit; (3) clearly accessory and incidental to and compatible with the residential use of the property and the surrounding residential uses; (4) carried on by no more than two (2) persons living in the dwelling unit. For purposes of this Ordinance home occupations are divided into two categories:

- **Home Occupation I:** Non-retail home occupations that do not require customers to frequent the premises or generate regular automobile traffic and which do not include the full time offices of physicians, dentists, attorneys, barbers, engineers, beauticians and the like.

- **Home Occupation II:** All types of home occupations, which may include full time offices for the occupations excluded in Home Occupation I.

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

Hotel: See Transient Accommodations.

Hundred (100) Year Flood: The highest level of flood that, on the average, is likely to occur once every one hundred (100) years that has a one percent (1%) chance of occurring in any year.

Industry: Use of a premises for assembling, fabricating, finishing, manufacturing, packaging, storing or processing, including but not limited to assembly plants, laboratories, power plants, pumping stations, warehouses, wholesale houses, truck terminal facilities, research facilities, research production facilities, and repair shops together with retail or other businesses and accessory uses customarily servicing or consistent with industrial uses.
A residential use is accessory to an industrial use only when the residential use is clearly incidental to the industrial use such as security personnel quarters or medical personnel shift room.

Industrial Park or Development: A subdivision in an area zoned exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for users.

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

Junkyard: A field, yard or other area used to store discarded, worn out or junked plumbing, heating supplies, household appliances and furniture, junked, discarded or scrapped lumber, old or scrap copper, brass, rope, rags, paper trash, rubber debris, waste, scrap iron and other ferrous or non- ferrous material and garbage dumps, waste dumps and sanitary landfills.

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

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

Lake: See Water Bodies.

Land Management Road: A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles land used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Light Manufacturing: The fabrication or processing of materials into the finished product, the weight of which shall not exceed three hundred (300) pounds. Fabrication relates to the stamping, cutting or otherwise shaping the processed materials into useful objects or products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber.

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

Lodging: See Transient Accommodations.

Lot: An area of land undivided by any street or private road, in one ownership or leasehold, with ascertainable boundaries established by a deed or some other instrument of record.

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

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

Lot Area: The area contained within the boundary lines of a lot minus land below the normal high water line of a water body or upland edge of a wetland and areas beneath roads serving more than two (2) lots.

Lot Coverage: The percentage of the lot covered by structures.

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

Lot Frontage: See Frontage, Road. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this Ordinance shall be provided, at each such line.

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

Lot Line, Front: The lot line on any street or water body which the lot abuts.

Lot Line, Rear: Lots may have a rear lot line abutting lots not of common frontage.

Lot Line, Side: Any lot line abutting lots of common frontage.

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

Lot Standards: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage, height, coverage, road frontage and density.

Lot Width: The closest distance between the side lot lines of a lot.
Manufactured Housing: See 30-A M.R.S.A. § 4358(1)(A) and 10 M.R.S.A. § 9002(7) as amended. See also Mobile Home and Modular Home.

Market Value: The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

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

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.

Mobile Home: See 30-A M.R.S.A. § 4358(10(A) and 10 M.R.S.A. § 9002(7) as amended. See also Manufactured Housing.

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

Mobile Home Stand: An area within a mobile home park lot on which a mobile home is to be stationed.

Mobile Home Park Lot: The area of land on which an individual manufactured home is situated within a mobile home park and which is reserved for use by occupants of that home.

Mobile Home Subdivision or Development: A parcel of land approved by the Planning Board under this Ordinance and 30-A M.R.S.A. § 4401 et seq. for the placement of manufactured homes on individually owned lots.

Modular Home: See 30-A M.R.S.A. § 4358(1)(A) and 10 M.R.S.A. § 9002(7) as amended. See also Manufactured Housing.

Motel: See Transient Accommodations.

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

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

Municipal Facilities: Buildings or land which is owned by the Town of Veazie and operated under its supervision.

Municipal Officers: The Town Council of the Town of Veazie.

Museum: A nonprofit institution operated principally for the purpose of preserving and exhibiting objects of historical, cultural, scientific or artistic interest and which may also engage in incidental retail sales of items related to its principal purpose.
Native: Indigenous to local forests.

Net Residential Acreage: The total acreage available for a subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and areas that are unsuitable for development.

Net Residential Density: The average number of dwelling units per net residential acre.

Non-Conforming Condition: Non-Conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Nonconforming Lot: See Lot, Nonconforming.

Nonconforming Structure: See Structure, Nonconforming.

Nonconforming Use: See Use, Nonconforming.

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

Nude Entertainment: The showing, display or exhibition in a public or private establishment of uncovered or exposed female breasts. Nude entertainment does not include specified sexual activities or the showing, display or exhibition of specified anatomical areas (amended 3/22/99)}.

Nursery, Commercial: An enterprise which conducts the retail and wholesale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

Nursing Home: A facility for the residence and nursing care of the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Open Space: The portion of a lot or site which is maintained in its natural state to preserve scenic resources, farm and forest land, wetlands, groundwater recharge areas, wildlife habitat, public access to water bodies, and other important or environmentally sensitive area, or to be used for outdoor recreation purposes. Open space does not include land occupied by non- recreational buildings, roads or road rights of way; nor does it include the yards or lots of single or multifamily dwelling units or parking areas as required by the provisions of this Ordinance. Construction is not allowed in dedicated open space, except where necessary for recreational uses.

Open Space Ratio: A measure of the intensity of residential development allowed in a particular zone. The ratio is calculated by dividing the total open space by the total area of a subdivision.

Operate: To own, run or manage any establishment or place of business.

Operator: The owner or manager of any establishment or place of business.

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

Parcel: The area within the boundary lines of a development.

Parking Demand: The amount of parking spaces needed by the users of a particular structure or tract of land.

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

Parking Space: A surfaced area, enclosed or unenclosed, meeting the size requirements of Section 15.4.6.7.together with a driveway connecting the parking space with a street, road or alley and permitting entrance and exit of that automobile without the necessity of moving any other automobile.

Passive Recreation: A passive recreation area is generally an undeveloped space or environmentally sensitive area that requires minimal development. Entities such as a parks department may maintain passive recreation areas for the health and well-being of the public and for the preservation of wildlife and the environment. The quality of the environment and "naturalness" of an area is the focus of the recreational experience in a passive recreation area. No motorized vehicles allowed in passive recreation areas.

Patio: A level area adjacent to a dwelling unit constructed of stone, cement or other material, located at ground level, with no railing or other structure above the level of the ground.

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities or work required by this Ordinance, regulations and the approved plans and specifications of a development.

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

Personal Property: Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence and is not attached to or affixed to the ground or a structure. It does not include merchandise which was purchased for resale or obtained on consignment.

Personal Services: A business which provides services but not goods such as, hairdressers, shoe repair, and the like.

Planned Unit Development: A PUD. A development controlled by a single developer for a mix of residential, commercial and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems and the retention of the natural characteristics of the land.

Pond: See Water Bodies.

Premises: Land and buildings together considered as a property.

Private Street: See Street.

Professional Office Building: A building in which there is located the office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, and the like, or in which a business conducts its administrative, financial or clerical operations, but not including any manufacturing or sale of goods or merchandise.

Public Facility: See Government Facility.

Public Improvements: Any improvement, facility or service, together with customary improvements, necessary to provide for public needs, such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Utility: Any person, firm, corporation, municipal department, board or commission authorized by the Maine Public Utilities Commission to furnish gas, steam, electricity, communication facilities, or transportation of water to the public.

Recent Flood Plan Soils: The following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreation, Active: Recreation activities which necessitate some degree of structural or mechanical components for participation in the activity.

Recreation, Passive: Outdoor recreational activities which involve no structures or motorized equipment, such as skiing, horseback riding, cycling, hiking, walking, picnicking and the like.

Recreation Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boar launching facilities.

Recreation Vehicle: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling 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, must be less than seven hundred fifty (750) square feet in area and less than fourteen feet (14') in width, and must be registered with any state's Division of Motor Vehicles.

Reconstruction: The restoration, remodeling or rebuilding of a nonconforming structure, whether necessitated by deterioration, obsolescence, casualty or other occurrence, where the costs of such work equal or exceed the value of the property in its existing condition.

Refuse: Any discarded, worn out, abandoned or nonfunctioning article or articles or materials including, but not limited to, cans, bottles, used wood products, junk appliances, junk automobiles and parts thereof, old clothing and household goods, trash, garbage, rubbish, solid waste and liquid waste.

Research Facility: A building or part of a building devoted to scientific inquiry and ancillary functions. No manufacturing is conducted on the premises except as related to the scientific research being conducted; said activities shall be solely for eleemosynary purposes.

Research Production Facility: A building or part of a building devoted to the propagation, maintenance and distribution of animals, or other biological materials, for use in scientific inquiry, said activities shall be solely for eleemosynary purposes.

Residual Stand: The average of the basal area of trees remaining on a harvested site.

Restaurant: An establishment whose principal business is the sale of food or beverages to consumers in a ready to consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers normally provided with an individual menu are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or (2) a cafeteria type operation where food and beverages generally are consumed within the restaurant building.

Re-subdivision: The division of an existing subdivision or any change in or deviation from the recorded plan, including any changes in lot lines or sizes or the relocation of any street or lot in a subdivision.

Riprap: Rocks, irregularly shaped, and at least six inches (6") in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River: See Water Bodies.

Road: See Street.

Roadside Stand: A roadside stand selling at retail on the premises only farm produce, camp firewood, or garden, greenhouse or nursery products and, between Labor Day and Christmas, cut Christmas trees, garlands, wreaths and wreath materials primarily on the property.

Rubbish: See Refuse.

Sadomasochistic Acts: The acts, including what may be referred to as bondage and discipline, of flagellation, torture or punishment by or upon a person clad in undergarments, a mask or bizarre costume; or the condition of being fettered, bound or otherwise physically restrained while so clothed or by a person so clothed.(amend 3/22/99)}

School, Private: A privately owned facility within which instruction is provided for a fee. The size of a private school is limited to fifteen (15) students or less.

Screening: A hedge or vegetated strip at least five feet (5') wide, consisting of densely planted shrubs or trees at least four feet (4') in height at time of planting, and eventually reaching a mature height of at least six feet (6') in height, but not exceeding eight feet (8') which provides an effective visual barrier.

Septage: Waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools or any other similar facilities.

Septic System: See Subsurface Sewage Disposal System.

Service Drop: Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in case of electric service

    a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

    b. the total length of the extension is less than one thousand feet (1000').

2. in the case of telephone service

    a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

    b. the extension requiring the installation of new utility poles or placement underground is less than one thousand feet (1,000') in length.

Service Establishment: The offices or headquarters of a business that provides off site services such as plumbing, electrical work, carpentry and the like.

Setback: The horizontal distance from a lot line or normal high water line of a water body, tributary stream or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object, activity or area.

Setback, Front: Setback between the front lot line and the nearest part of a structure, road, parking space or other regulated object, activity or area.

Setback, Rear: Setback between the rear lot line and the nearest part of a structure, road, parking space or other regulated object, activity or area.

Setback, Side: Setback between a side lot line and the nearest part of a structure, road, parking space or other regulated object, activity or area.

Shoreland Zone: The land area located within two hundred fifty feet (250'), horizontal distance, of the normal high water line of any river; within two hundred fifty feet (250'), horizontal distance, of the upland edge of a coastal or freshwater wetland; or within seventy-five feet (75'), horizontal distance, of the normal high water line of a stream.

Sign: An object, device or display or part thereof, whether free standing, portable, affixed to a building or otherwise, situated outdoors or indoors, which is directed at persons outside or off the premises, used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This definition shall not, however, be construed to include merchandise or decorative displays.

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

Sign, Off Premise: Any sign designed, intended or used for advertising a product, property, business, entertainment, service, amusement or the like, and not located where the matter advertised is available or occurs.

Sign, Official Business Directional: A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 M.R.S.A. Section 1901, et seq. which points the way to public accommodations and facilities or other commercial facilities.

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

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

Sign, Temporary: A sign of a temporary nature, to be displayed less than thirty (30) days, exemplified by the following: political posters, charitable signs, construction signs, carnival signs, garage sale signs, lawn sale signs, rummage sale signs, all signs advertising sales or promotions, and for rent signs.

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

Sign, Window: sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to or placed within six inches (6") of a window.

Sign Area: exposed surface of the sign, in square feet, including all ornamentation, embellishment, background, and symbols, but excluding the poles, standards or other structures which do not form a part of the message of the sign measured and which perform solely a weight bearing function. The area of wall or window sign shall be the smallest rectangle which encloses the whole message. The total sign area for a premise shall mean the sum of the areas of all signs visible from public streets, sidewalks, parks, etc. and includes wall signs, window signs, free standing signs, roof signs, portable and small signs attached to the principal sign indicating "fireplaces," "swimming pool," "Master Card, Diners Club or American Express accepted."
If the shape of a sign is irregular, the area is that of the smallest rectangle which encloses the sign. For a sign with a double signboard or display area, where the sign faces are parallel and the faces duplicate one another, only one side shall be counted in calculating allowable area.

Skid Road or Trial: route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Solar Collector: A device or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes to a buildings energy supply.

Solar Energy System: A complete design or assembly consisting of a solar energy collector, and energy storage facility, when used, and components for the distribution of transformed energy.

Specified Anatomical Areas: (1) The display or exhibition of the male or female pubic area, perineum or anus with less than a fully opaque covering is prohibited; (2) The display or exhibition of male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: (1) Human genitals in a state of sexual stimulation or arousal; (2) Actual or simulated acts of human masturbation, sexual intercourse, sodomy, or any sexual act or sexual contact as defined by Maine law, as amended; (3) Fondling or other touching of human genitals, pubic area, buttock or female breast. (amended 3/22/99)}

Stable, Commercial: A building or land where horses are kept for remuneration, hire, sale, boarding, riding or showing.

Stable, Non-Commercial: An accessory building to a residence designed or used for the accommodation of horses owned and used exclusively occupants of the residence to which it is accessory.

Stream: See Water Bodies.

Street: Public and private ways such as alleys, avenues, boulevards, highways, roads and other rights-of-way consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing material and constructed for or created by the repeated passage of motorized vehicles, as well as areas on subdivision plans designated as rights-of-way or streets, except such ways as have been discontinued or abandoned.

Street, Arterial: A major thoroughfare which serves as a major traffic way for travel between and through the municipality.

Street, Collector: A street servicing at least fifteen (15) lots or dwelling units, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Street, Industrial or Commercial: Streets servicing industrial or commercial uses.

Street, Minor: A street servicing less than fifteen (15) lots or dwelling units.

Street, private Right-of-Way: A street which is not intended to be dedicated as a public way, which will be maintained by a developer, property owner or group of property owners, and which will serve no more than eight (8) lots or dwelling units.

Structure: Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land or water.

Structure, Accessory: A structure which (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served, except as otherwise expressly authorized by the provisions of this Ordinance, and (4) is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

A deck or similar extension of a principal structure or a garage attached to a principal structure by a roof or common wall is considered part of the principal structure.

Structure, Nonconforming: A structure which, at the effective date of adoption or amendment of this Ordinance, does not meet the dimensional, height, setback or lot coverage requirements of the zone in which it is located.

Structure, Principal: A structure other than one which is used for purposes wholly incidental or accessory to the use or another structure or use on the same lot.

Structure, Temporary: A structure established for a fixed period of time with the intent to completely remove same from the lot upon the expiration of such time.

Subdivision: See 30-A M.R.S.A. § 4401(4) as amended.

Substantial Completion: Completion of seventy percent (70%) of a permitted structure or use measured as a percentage of the estimated work to be completed.

Substantive Review: A review of a completed application to determine whether it complies with the review standards set forth in this Ordinance and with other applicable requirements of law.

Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 M.R.S.A. § 414, any surface wastewater disposal system licensed under 38 M.R.S.A. § 413 (1-A), or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1.

Subsurface Sewage Disposal System, Replacement 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.

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

Swimming Pool: An outdoor artificial receptacle or other container, whether in or above the ground, used or intended to be used to contain water for swimming, bathing, or the immersion or partial immersion of human beings and designed for a water depth of twenty-four inches (24") or more.

Theater: A fully enclosed building used for display or presentation to the public films, plays or other kinds of performances.

Tidal Area: See Water Bodies.

Timber Harvesting: The selective cutting and removal of trees from their growing site, and the attendant operation of harvesting and skidding machinery, but not including clear cutting for the construction or creation of roads.

Timber harvesting does not include the clearing of land for approved construction for which a lawful permit has been issued in accordance with state and local codes, ordinances, statutes, rules and regulations.

Transient: A person staying at a place that does not constitute his or her home or usual dwelling unit for less than thirty (30) days.

Transient Accommodations: Facilities where, for compensation, overnight lodging, with or without meals, is provided to transients. Such facilities may include hotels, motels, inns, bed and breakfasts and the like. Accessory uses, subject to site plan review, may include restaurants, cocktail lounges, conference rooms, swimming pools, game courts, recreational rooms, gift shops and the like.

Transportation Facilities: Structures and grounds used for transportation service activities, such as ticket booths and waiting shelters for bus, taxi or touring van passengers, but not including truck or freight terminals.

Undertaking Establishment: A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

Upland Edge: See Wetland, Upland Edge.

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

Use, Accessory: A use which (1) is subordinate to and serves a principal use, (2) is subordinate in area, extent and purpose to the principal use served, (3) is located on the same lot as the principal use served, except as otherwise expressly authorized by this Ordinance, and (4) is customarily incidental to the principal use. An accessory use shall not include any use injurious or offensive to the neighborhood as initially determined by the Code Enforcement Officer.

Use, Nonconforming: A use which, at the effective date of adoption or amendment of this Ordinance, is not a permitted use in the zone in which it is situated.

Use, Permitted: A use which may be established in a particular zone, provided it conforms with all the requirements, standards, and regulations of such zone.

Use, Principal: A use which other than one which is wholly incidental or accessory to another use on the same lot.

Use, Temporary: A use established for a fixed period of time with the intent to discontinue such upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Utilities: All public services such as electricity, water, sanitary sewer, stormwater drainage, telephone and cable television.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four inches (4") in diameter, measured at four and one-half feet (4½') above ground level.

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations for ailing, injured or healthy animals.

Volume of a Structure: The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Warehousing and Storage Facility: A structure for the storage of merchandise or commodities, including bulk storage and bulk sales outlet.

Water Bodies:

Water Bodies, Lakes and Ponds: Natural or artificial bodies of water which retain water year round. Artificial ponds may be created by dams or may result from excavation.

Water Bodies, River: Any free flowing body of water from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Water Bodies, Stream: A channel between two defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland. (only as shown on the Shoreland Zoning Map)

Water Bodies, Tidal Area: Any are upon which tidal action occurs.

Water Bodies, Tributary Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Water Crossing: Any project extending from one bank to the opposite bank of a water body or wetland, whether under, through, or over the water body or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Wetland: Coastal or freshwater wetland.

Wetland, Coastal: Tidal and sub-tidal lands including all areas below any identifiable debris line left by tidal action, all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat, and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service. Coastal wetlands include portions of coastal sand dunes.

Wetland, Freshwater: Freshwater swamps, marshes, bogs and similar areas which are of two (2) or more contiguous acres; or of less than two (2) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of two (2) acres; and (2) inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Wetland, Upland Edge: The boundary between upland and wetland.

Wetland Associated With River: A wetland contiguous with or adjacent to a river and which, during normal high water, is connected by surface water to the river. Also included is a wetland which is separated from the river by a berm, causeway or similar feature less than one hundred feet (100') in width and which has a surface elevation at or below the normal high water line of the river. A wetland associated with a river is considered to be a part of that river.

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

Wildlife: All vertebrate species (animals with backbones), except fish.

Wildlife Management Practices: Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting, or removal of vegetation, controlled burning, planting, impounding water, controlled hunting and trapping, relocation of wildlife, predator and disease control, and installation of artificial nesting sites, provided that such activities are specifically controlled land designed for the purpose of managing such species.

Windfirm: The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking and major breakage.

Window: An opening in the wall of a building for the admission of light or air that is usually closed by casements or sashes containing transparent or translucent material.

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

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

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

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

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

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

Appendix A: Land Use Map

