12-11-2008

# Island Falls Zoning Ordinance
# Table of Contents


Article I- Preamble ..... 1
Article II- Districts ..... 1
Article III- Definitions ..... 1
Article IV-A General Provisions and Standards ..... 4
IV-B Supplemental General Provisions ..... 5
1- Uses ..... 5
2- Buildings ..... 5
3- Piers Docs, Wharfs ..... 5
4- Residential Lot Standards ..... 6
5- Timber Harvesting ..... 6
6- Water Quality ..... 7
7- Land Use Standards ..... 7
a- Agriculture ..... 7
b- Beach Construction ..... 8
c- Campgrounds ..... 8
d- Structures ..... 8
e- Erosion & Sediment Control ..... 8
f - Tree Cutting ..... 9
g- Drilling or Excavating ..... 9
Article V- Protection District ..... 10
Article VI- Residential District ..... 11
Article VII- Agriculture District ..... 11
Article VIII Commercial District ..... 12
Article IX- Industrial District ..... 12
Article X- New Development ..... 12
Article XI- Nonconforming Uses ..... 13
Article XII ..... 13
Article XIII ..... 13
Article XIV ..... 13
Article XV ..... 13
Land Use Table ..... 16


Delete
Refer to
Shoreland
Ordinance
dated ~~3-10-10~~
05/31/2013

Lewis L. Conrad
Donald B. Nauer
Alfred Skofield
Regis L. Beaulieu
Attest: Cheryl L McNally
Town Clerk
12-11-2008

# Zoning Ordinance
# For
# Island Falls, Maine

## ARTICLE I - PREAMBLE

An ordinance to further the maintenance of safe and healthful conditions and the general welfare, foster orderly economic development, prevent and control water pollution, control building sites, and to preserve the rural charm and natural resources of the "TOWN OF ISLAND FALLS, MAINE". For the accomplishment of the above-stated purposes and in pursuance of authority conferred by Title 30, Chapter 239, Sections 4952-4957, and Title 12, Sections 4811-4814, Revised Statutes of Maine, as amended, the following Ordinance is hereby enacted by the Voters of said Town in official meeting convened July 9, 1974.

## ARTICLE II – DISTRICTS

For the purpose of this Ordinance, the Town of Island Falls is divided into the following Districts as shown on the Zoning Map filed with the Register of Deeds and the Town Clerk and dated July 9, 1974: (1) Protection Districts: (2) Residential Districts: (3) Agriculture Districts: (4) Commercial Districts: and (5) Industrial Districts. Said Zoning Map is hereby incorporated by reference and made a part of this Ordinance.

## ARTICLE III – DEFINITIONS

For the purpose of this Ordinance, certain terms are defined as provided in this section. Terms not defined herein shall have customary dictionary meaning. Districts or Zones shall be constructed as meaning the same.

**Domestic Well:** Means a well (however deep) or spring used as a source of water for farm or household use.

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

**Essential Services:** Gas, electrical or communication facilities, steam, fuel or water supply, transmission or distribution systems.

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

**Forestry:** Means the science, art and practice of managing and using for maximum long-term human benefit the renewable natural resources that occur on and in association with forestlands.

**Front Yard:** Means the space extending for the full width of a lot between the extreme front line of a building thereon and the nearest sideline of a right of way.

**Frontage**: Means the boundary of a lot bordering on a public right of way or water body.

**Great Pond:** Any inland body of water which has a surface area in excess of 10 acres, except where such body of water is man-made and in addition, is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

**Home Occupation:** Means any activity of a professional, commercial, or industrial character carried on in a residence and employing no more than three individual non-occupants thereof.

**Home Produce:** Means vegetables, flowers and other things grown on the premises.

**Inland Wetlands:** Areas enclosed by the normal high water mark of inland waters and otherwise identified on the basis of soils, vegetation, marshes and bogs.

**Junk:** Metal, bottles, rags, paper products, rubber products, and unregistered motor vehicles, discarded or abandoned trash, or other articles.

**Mining:** Means the excavation of any mineral and/or organic substance from the ground.

**Nonconforming Use:** Means a building, structure, or use of land existing at the time of enactment of this ordinance and does not conform to the regulations of the zone in which it is situated.

**Normal High Water Mark of Inland Waters:** That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil of the vegetation, due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial. (By way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups – water lily, pond lily, pickle weed, cattail, wild rice, sedges, rushes and marsh grasses; and terrestrial vegetation includes, but is not limited to the following plants and plant groups – upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla pines, cedars, oaks, ashes, alders, elms and maples). In places where shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks), the normal high water mark shall be established from places where it can be determined by the above method.

**Ordinance:** a person whose land abuts land for which a permit or variance has been granted: or a group of five (5) or more citizens of the municipality who represent an interest adverse to the grant or denial of such a permit or variance.

**Other Structure:** Anything built for the support, shelter or enclosure of persons,

**Piers, Docks, Wharfs, Breakwaters, Causeways, Bridges over 20 feet in length, and uses Projecting into water bodies.**

Temporary: Structures, which remain in water for less than seven (7) months in any period of twelve (12) consecutive months.
Permanent: Structures, which remain the water for seven (7) months or more in any period of twelve (12) consecutive months. Aggrieved Party – A person whose land is directly or indirectly affected by the grant of denial of variance under this.

**Principal Structure:** The structure in which the primary use of the lot is conducted. Incidental or subordinate to that of the principal structure of the primary use to which the premises are devoted.

**Privy:** A pit in the ground into which human excrement is placed.

**Research and Development Facility:** A laboratory or other facility for carrying on investigation of the natural, physical, or social sciences, or engineering and development of end products as an extension of such investigation. Such a facility does not engage in the manufacture or sale of products, except as incidental to the main purpose of research and investigation.

**Residential Dwelling Unit:** A room or a group of rooms designed and equipped exclusively for the use of a permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes.

**Right of Way:** Means and includes all town, state, and federal highways and the land on either side as covered by applicable statutes.

**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.

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

**Sanitarium:** Means any facility in which medical and/or nursing care is provided.

**Sign:** Means any self-supported or attached placard, poster, billboard, or other device bearing any form of announcement, direction, advertisement, or other information.

**Steep Slopes:** Areas having a sustained grade of twenty-five percent (25%) or greater.

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

**Tourist Home:** Means a building having transient sleeping accommodation for not more than six persons.

**Water Body:** Means any lake, pond, flowage, river or stream.

## ARTICLE IV –A GENERAL PROVISIONS AND STANDARDS

1. All junk shall be deposited and maintained in a duly designated municipal dump or in conformity with State and /or Federal laws and regulations.
2. The owner or occupant of land in any zone shall remove or obliterate fire or other ruins within such time as designed by the Health Officer.
3. ~~All users that are obnoxious or injurious to health or property by reason of order, dust, smoke, refuse matter fumes, noise, vibration or similar conditions are prohibited.~~ RECALLED 3/13/2000 SEE ATTACHED MINUTES ARTICLE 52
4. Mining may be carried on in zones where permitted under the terms of this Ordinance only upon prior approval of the Board of Appeals which may only be granted if:
    a. A plan is submitted by the applicant and approved by the Board of Appeals showing existing grades in the area from which the materials are to be removed and finished grades and any necessary reclamation to be performed upon conclusion of the operation.
    b. At the discretion of the Board of Appeals a Performing Bond may be required of the applicant to insure performance of any post-operation reclamation deemed necessary.

5. The owner or occupant of any property wherever situated in the Town, shall provide sufficient off-street parking space to accommodate all vehicles, owned or used by him and his normally anticipated visitors and customers.
6. All privies, cesspools, septic tanks and other sewage disposal facilities and installations shall be constructed and maintained in accordance with State Plumbing Code. No such facility or installation shall be constructed or maintained within one hundred feet (100') of the normal high water line or the landward edge of the flood plain, from a domestic well, or from any building other than that to which it is appurtenant.
7. Except as herein specified to the contrary all requirements as to lot size, frontage, and setback shall be governed by applicable State and/or Federal laws and regulations.
8. Roads shall be located, constructed, and maintained in such a manner that minimal erosion hazards result. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters. All mineral soil roads shall be located, constructed and maintained in conformance with the erosion provisions of Permanent "Logging Roads for Better Woodlot Management", published by the Division of State and Private Forestry, Forest Service Northeastern Area, U.S. Department of Agriculture in 1973 or subsequent revisions thereof. Additionally, all roads constructed shall conform to the following standards.
    a. Road crossings of watercourses shall be kept to the minimum number necessary.
    b. Bottoms of culverts shall be installed at streambed elevation.

c. All cut or filled banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible.
d. Bridges or culverts of adequate size and design shall be provided for all road crossings of watercourses, which are to be used when surface waters are unfrozen. The requirement for a bridge or culvert may be waived by obtaining a permit from the Planning Board.

9. Woods harvesting practices within one hundred feet (100') of the right of way limits of any numbered highway generally used by the public are regulated by M.R.S. , 1964, Title 12, Section 519, as amended.
10. To the extent that a conflict may exist or hereafter arise between any provision of this Ordinance and any State or Federal law shall govern.

~~**ARTICLE IV-B- SUPPLEMENTAL GENERAL PROVISIONS**~~ Delete refer to Shoreland Zoning Ordinance dated 3/10/10

This section shall apply to those areas zoned a shown in the official zoning map which lie in two hundred fifty feet (250') of the shoreline of any pond, lake, river, or navigable waterway, as defined

1. Uses: Land uses permitted in each zone, in conformance with the land use standards of this section (areas within two hundred fifty feet (250') of a stream, river pond, lake or navigable waterway) are shown below:
   Key: Yes-allowed (no permit required).
   No- Prohibited.
   PB- Requires permit issued by the Planning Board.
   CEO- Requires permit from Code Enforcement Officer.
   *Subject to specific land use standards, Section II-VII
   **See Table on page 16.**
2. Buildings:
   a. All buildings and structures, except those requiring direct access to a water body as an operational necessity and having State approval, shall be set back at least seventy-five feet (75') from the mean annual high water line or landmark edge of the flood plain, whichever is the greater distance.
   b. The first floor elevation or opening of all buildings and structures shall be elevated at least two feed (2') above the mean annual high water elevation.
   c. All gravel pits along the West Branch of the Mattawamkeag River shall require a Planning Board permit. Developers of new gravel pits shall demonstrate that no reasonable mining sites exist outside the two hundred fifty feet (250') shore land zone. Where gravel pits must be located within the zone, they shall be set back as far as possible from the normal high water mark. Such gravel pits shall not be located closer than seventy-five feet (75') to the normal high water mark, and shall be screened from the river by existing vegetation.

3. Piers, Docks, Wharfs, Breakwaters, Causeways, Marinas, Bridges: over twenty feet (20') in length, and uses projecting into water bodies. In addition to Federal or State permits, which may be required for such structures and uses, they shall conform to the following:

a. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
b. The location shall not interfere with developed beach areas.
c. The facility shall be located so as to minimize adverse effects on fisheries.
d. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.
e. They shall be located so as to be protected from potentially damaging prevailing or periodic climatic conditions.
f. Individually owned non-commercial facilities must be of temporary construction or attachment capable of disconnection and seasonal removal.
g. The Planning Board, in addition to the foregoing, shall limit the number and size of structures to the extent practicable by requiring that in the subdivision of land, applicants provide for common facilities of locations for such facilities to serve lots to be conveyed or developed.

4. Residential Lot Standards:
   a. Lots shall meet or exceed twenty thousand (20,000) square feet.
   b. If more than one residential dwelling unit is constructed on a single parcel, the minimum lot size requirement shall be met for each additional dwelling unit.
   c. Art. 37-(Section 14). It shall be unlawful in this district to maintain more than a domesticated animal (excluding cats and dogs) and more than twenty (20) fowl per twenty thousand (20,000) square feet. Such domesticated animals and fowl shall be adequately and properly penned so that such animals and fowl cannot roam/fly from their abodes. Manure excrement piles resulting from a maintenance of any such animals or fowl shall be properly spread or otherwise disposed of by June 1st of each calendar year so as not to create odors which are a nuisance to others in the community. Section 14, Article VI, shall become effective on May 15, 1986. No person shall be exempt from the provision of this section 14 because of a prior nonconforming use of his land.

5. Timber Harvesting:
   a. No substantial accumulation of slash will be left within fifty feet (50') of the normal high water mark of any pond, river, or water body as defined. At distances greater than fifty feet (50') from the normal water mark of such waters and extending to the limits of the area covered by this Ordinance, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet (4') above the ground.
   b. Skid trails, log yards, and other sites where the operation of logging machinery results in the exposure of substantial areas of mineral soil shall be located such that an unscarified filter strip is retained between the exposed mineral solid and the normal high water mark of any pond, river, or water body as defined. The width of this strip shall vary according to the average slope of the land as follows:

| Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (percent) | Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet along surface of ground) |
|---|---|
| 0 | 25 |
| 10 | 45 |
| 20 | 65 |
| 30 | 85 |
| 40 | 105 |
| 50 | 125 |
| 60 | 145 |
| 70 | 165 |

c. Harvesting operations shall be conducted in such a manner and such a time that minimal soil disturbance results. Adequate provisions shall be made to prevent soil erosions and sedimentation of surface waters.
d. Harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained.
e. Harvesting activities shall not create single openings greater than seven thousand five hundred (7,500) square feet in the forest canopy.
f. 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.
g. Timber harvesting operations not in conformance with (b), (d), (e) and (f) above may be allowed by the Planning Board upon approval of a permit granted in accordance with the provisions of Art. XV, subsection 2-f of this Ordinance, upon a clear showing by the applicant that such an exception is necessary for proper timber management.

6. Water Quality Protection: A permit from Department of Environmental Protection shall be required before any activity that will locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature quality, obnoxiousness, toxicity of temperature that runoff, seep percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum color, odor, taste or unsightliness or be harm to human, animal, plant or aquatic life.
7. Land Use Standards: All land use activities shall conform to the following applicable land use standards.
    a. Agriculture
        i. All spreading of disposal of manure shall accomplished in conformance with the "Maine Guidelines for Manure Sludge Disposal on Land" published by the University of Maine and the Maine Soil and Water Conservation Commission, in July , 1972 or subsequent revisions thereof.

ii. There shall be no tilling of soil within fifty feet (50') of the normal high water mark of any water bodies whose shore lands are covered by this Ordinance. Where soiled is tilled, an untilled filter strip of natural vegetation shall be retained between the tilled ground and normal high water mark of all water bodies. The width of such strip shall vary according to the average slope of the land and the normal high water mark as follows:

| Average Slope of Land Between Tilled Land And Normal High Water Mark (percent) | Width of Strip Between Tilled Land and Normal High Water Mark (feet along surface of ground) |
|---|---|
| 0 | 50 |
| 5 | 70 |
| 10 | 90 |
| 15 | 110 |

iii. Where soil is tilled in a Protection District or shore soil excess of twenty thousand (20,000) square feet lying either wholly or practically within the area covered by this Ordinance is tilled in a Commercial, Industrial or Agricultural District, or a Residential district such tillage shall be carried out in accordance with the provisions of a Conservation Plan which meets the standards of the State Soil and Water Conservation Commission, and is approved by the appropriate Soil and Water conservation District Representative. A copy of the plan shall be filed with Planning Board. Non-conformance with provisions of such Conservation Plan shall be considered to be a violation of this Ordinance.

b. Beach Construction: Beach construction on any great pond shall require a permit from the Department of Environmental Protection. Beach construction on any river, stream, or brook capable of floating watercraft shall require approval from the Commissioner of the Department of Inland Fish and Game, as required by law.

c. Campgrounds: Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:
   i. Camping areas shall contain a minimum of five thousand (5,000) square feet of suitable land not including roads and driveways, for each site.
   ii. The area intended for placement of the recreational vehicle, tent or shelter and utility and service buildings shall be set back a minimum of seventy-five feet (75') from normal high water mark of any water body.

d. Structures: All principal structures in the Protection and Residential Districts shall be set back at least seventy-five feet (75') from the normal high water mark of any water body. The first floor elevation or openings of all buildings and structures shall be elevated above the elevation of the hundred (100) year flood or the flood of records. Only one dwelling unit shall be permitted for each lot (20,000 sq. ft.)

e. Erosion and Sedimentation Control: Filling, grading, lagooning, dredging, earth moving activities, and other land use activities shall be conducted in

such a manner to prevent to the maximum extent possible, erosion and sedimentation of surface waters. To this end, all construction shall be accomplished in conformance with the erosion prevention provisions of "Environmental Quality Handbook Erosion and Sediment Control", published by the Maine Soil and Water Conservation Commission.

f. Tree Cutting and Vegetative cover for Approved Construction and Landscaping:
    i. Shore land Vegetation: Natural vegetation shall be preserved within two hundred fifty feet (250') of the high water mark of any surface water in accordance with the following:
        1. No one shall remove more than thirty percent (30%) of the trees over four inches in diameter measured at a point; not less than four and one half feet above the ground. Any such a manner as to return a well distributed stand of tree foliage and so as not to result in clear-cut areas exceeding three thousand (3,000) square feet.
        2. In a strip extending fifty feet (50') inland of the parallel to such high water mark, no one shall clear an opening or openings greater than thirty feet (30') wide in each one hundred feet (100') of shoreline.
    ii. Shore Cover: the cutting and clearing provided for in F-i (1) and F-i (2) above shall in any event leave sufficient ground cover and root systems to prevent or control erosion and runoff and shall leave sufficient foliage and other vegetative cover to screen cars, dwellings and accessory structures as seen from the water.
    iii. Exceptions:
        1. Cutting and clearing for construction and landscaping or land used for agricultural purposes and the cultivating of crops other than forest products, when approved by the Planning Board and a professional forester, may be conducted notwithstanding F-1(i) above, and said areas shall not be included in computing the maximum area provided for in such sub section.
        2. Cutting and clearing in connection with the removal of dead or dying trees or the removal of trees affected by fire, excessive wind, insect or disease epidemics are permitted.
        3. Selective cutting which removes more than thirty percent (30%) of the trees specified in F i(1) above, may be carried out in the conduct of commercial forestry if a State Forester so recommends or if a private forester with the approval of the Forestry department so recommends.

g. Drilling for or Excavating Natural Resources:

i. Drilling for excavating natural resources on land under water is subject to M. R.S., 1964 Title 38, Sections 481 and following, as amended.

ii. Borrow pits for sand fill or gravel less than five acres in size and not regulated by the State Highway commission and the drilling for or excavating of natural resources on sites five acres in size or less shall be subject to the following regulations: No person shall drill for or excavate natural resources,

including but not limited to sand, gravel, fill, minerals, ores, fossil fuel or peat on sites of five acres or less without a permit. Any person intending to conduct such activities shall apply in writing to the Planning Board. Such applications shall include a statement of the proposed activities and a description of the measures to be taken.

iii. To avoid undue erosion of land and siltation of sedimentation of surface waters.

iv. To avoid interference with existing or natural drainage ways.

v. To prevent lateral movement or other subsidence of public ways or public or private property adjacent to the area.

vi. To screen the site from view from any public and adjacent property

vii. To provide for the entrance and exit of vehicles to and from the sites.

viii. To provide for the avoidance of spillage in or drainage on the public way at such entrance or exit.

ix. To prevent disturbances to adjacent and nearby property owners by reason of dust, smoke, or noise.

x. To return the land to as near its natural state as practicable by grading, filling, draining, and/or planting.

h. In reviewing such applications, the Planning Board after consulting with the Soil and Water Conservation District Staff, may attach such conditions in accordance with the foregoing, as it deems necessary or reasonable. In no event shall any person:

i. Excavate below the grade level of an adjacent public road within on hundred fifty feet of the centerline of such way, unless the slope of such area is maintained thirty degrees, or less.

ii.Excavate below the grade level of adjacent public road within one hundred feet of the property line, unless permission of the owner of such adjacent property is given in writing and filed at the Office of the Town clerk. In the case of town owned property, the Planning Board shall give or withhold permission after considering the advice of the Soil and Water Conservation District Staff.

## ARTICLE V- PROTECTION DISTRICT

The protection District shall consist of those areas of the Town, which by reason of topography, soil, vegetation, or other characteristics, are unsuitable for development namely:

- Flood plain, wetlands, swamps and bogs.
- Areas that drain into the municipal water sources.
- Steep slopes and islands.

The following regulations shall apply to the use of land in the Protection Districts:

1. No construction of any kind, road building, excavation, or mining shall be permitted unless approved by the Planning Board, Department of Environmental Protection, Inland Fish and Game Department, health, Welfare Department, and others as they may apply, and only then after an on-site inspection by a Soil Scientist.

2. Cutting of only diseased, withdrawn and over-mature trees shall be permitted, on an individual tree selection basis, or as approved by a State Forester.

## ARTICLE VI- RESIDENTIAL DISTRICT

The following regulations shall govern the use of land in the residential zone:

1. It shall be a district mainly of private residences.
2. No building shall house more than two families as permanent residents, except as provided in Item 11 below.
3. Every building shall have a front yard having a minimum depth of twenty feet. No building shall be located within fifteen feet (15') of any property line.
4. All corner lots shall be kept free from visual obstructions for a distance of twenty-five feet measured along the intersecting street lines.
5. No lot shall have less than one hundred foot (100') frontage or be less than twenty thousand (20,000) square feet in area.
6. The owner or occupant of any property, wherever situated in the Town, shall provide sufficient off street parking space to accommodate all vehicles, owned or used by him and his normally anticipated visitors and customers.
7. Home Produce may be sold and exposed for sale in this district.
8. Tourist Homes may be maintained and operated in this District.
9. Residences may be used for professional offices and home occupations.
10. Churches, schools, and sanitariums are permitted in this District.
11. Apartment buildings shall be permitted in the District with prior approval of the Board of Appeals, provided that such apartment building shall have adequate utility service land area, interior floor space, safety provisions, off-street parking, will not be detrimental or injurious to the neighborhood or otherwise contrary to the intent of this Ordinance.
12. All subsurface sewage disposals shall comply with the new Plumbing Code of July 1, 1974, or subsequent revisions thereof.
13. See Supplemental General Provisions for lots lying within two hundred fifty feet (250') of classified lakes, ponds, rivers

## ARTICLE VII – AGRICULTURE DISTRICT

The following regulations shall govern the use of land in the Agriculture Districts:

1. Any use permitted in the Residential District shall be permitted in this zone under the same provisions as apply to this District.
2. All normal and usual farming activities shall be permitted in this District, including storage and sale of agricultural products.
3. Forestry shall be permitted in this District.
4. In addition, the following uses shall also be permitted upon prior approval of the Planning Board

    a. Mining

    b. Campgrounds provided they are equipped with adequate service, sewage disposal facilities meeting all requirements of The Plumbing Code, and adequate and sanitary trash and solid waste collection facilities. Fires shall be permitted only in specifically designated areas and only under conditions and at times approved by the Fire Warden. An annual permit will be issued for said campground by the Code Enforcement Officer after approval by the Planning Board and will be reissued annually, if the Code

Enforcement Officer finds that the applicant has not violated the requirements of this Ordinance or any conditions laid down by the Planning Board in the granting of permission.

c. Research and Development Facility

5. This Ordinance hereby adopts "Maine Standards for Manure and Manure Sludge Disposal on Land" and as shall be amended.

6. See Supplemental General Provisions for lots lying within two hundred fifty feet (250') of classified lakes, ponds, and rivers.

## ARTICLE VIII – COMMERCIAL DISTRICT

The following regulations shall govern the use of land in the Commercial District.

1.Any use permitted in the preceding districts under the same provisions as apply in those districts.

2. Apartment houses, hotels, motels, tourist homes and cabins, including such retail businesses within these permitted buildings as are conducted of the convenience of the residents or guests.

3. Shops, restaurants and other retail and wholesale businesses and storage and warehousing.

4. Garages, parking lots and filling stations.

5. Business offices and banks.

6. Theaters, halls, and clubs.

7. See Supplemental General Provisions for lots lying within two hundred fifty feet (250') of classified lakes, ponds, and rivers.

## ARTICLE IX- INDUSTRIAL DISTRICTS

The following regulations shall govern the use of the land in the Industrial Districts.

1. All uses permitted in the Commercial District shall be permitted in this District.
2. Manufacturing and other industrial activities.

## ARTICLE X – NEW DEVELOPMENT

The owner of any plot of land intended for development or subdivision into building lots shall file with The Planning Board a plan or map of the proposed development or subdivision, and shall obtain the approval of the Planning Board thereon before proceeding with the development or sale of lots in said development or subdivision as is provided in Section 4956, Chapter 2339, Title 30 Maine Revised Statutes, as amended.

It shall be the duty of the Planning Board to inspect the site of such proposed development or subdivision, and it requires such roadway and other areas for common use as will eventually be acceptable to the Town for maintenance by the Town, and to approve the same when satisfied that such proposed plans are in harmony and conducive to the general welfare of the Town and the neighborhood and not detrimental to existing property values, but in no sense shall this be deemed an acceptance by the Town of the streets.

## ARTICLE XI – NONCONFORMING USES

Any lawful use of buildings, structures, premises, land, or parts thereof existing at the effective date of this Ordinance or amendments thereto and not in conformance with the provisions of this Ordinance shall be considered to be a nonconforming use.

Any nonconforming use may continue and may be maintained, repaired and improved. No such nonconforming use may be expanded, changed to another nonconforming use, or renewed after it has been discontinued for a period of twenty-four (24) calendar months or more without a permit from the Planning Board in accordance with the provisions of this Ordinance.

Any nonconforming lot of record existing before the effective date of this Ordinance and not adjoined by other land of the same ownership may be used in accordance with the State Laws and Article IV of this Ordinance.

## ARTICLE XII

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

## ARTICLE XIII

This Ordinance may be amended by a majority vote of the governing body. The State Planning Office shall be notified by Certified Mail of amendments to this Ordinance affecting shoreline areas, prior to the effective date of such amendments. A file of return receipts from such mailings shall be maintained as a permanent record.

## ARTICLE XIV

Unless otherwise set forth in the Official Zoning Map, District boundary lines are property lines, the centerlines of streets, roads, and right-of-way, and the boundaries of the shore land areas as defined herein. Where uncertainty exists as to exact location of district lines, the Board of Appeals shall be the final authority as to location.

## ARTICLE XV

1. Creation of Administering Bodies and Agents.
    a. A Code Enforcement Officer shall be appointed by the Municipal Officers.
    b. A Board of Appeals, consisting of three members and one alternate shall be appointed by the Municipal Officers according to Title 30, MRSA, Chapter 239, Section 4954.
2. Permits.
    a. After the effective date of this Ordinance, no person shall be engaged in any use land requiring a permit in the district in which it would occur, or expand, or change an existing nonconforming use without first obtaining a permit.
    b. Permit Application- Applications for permits shall be submitted in writing. The Code Enforcement Officer or Planning Board may require the submission of whatever information is necessary to determine conformance with the provisions of this Ordinance.
    c. A plumbing permit is required prior to a building permit. No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a permit for such facilities has been

secured by the applicant or his authorized agent, according to the requirements of this Ordinance.

d. Approval of Permits. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. All permits shall either be approved or denied within sixty (60) days of receipt of a completed application, including all information requested.

e. Permits issued by Code Enforcement Officer. The Code Enforcement Officer shall approve or deny those applications on which he is empowered to act. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

f. Permits issued by Planning Board. The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board may, except as specifically exempted in this Ordinance, after the submission of a complete application including all information requested, grant a permit if it makes a positive finding based on the information presented to it that the proposed use.

1. Will not result in unsafe or unhealthful conditions.
2. Will not result in erosion or sedimentation.
3. Will not result in water pollution
4. Will not result in damage to spawning grounds, fish, aquatic life, birds, and other wildlife habitat.
5. Will conserve shore land vegetation.
6. Will conserve visual points of access to waters as viewed from public facilities.
7. Will conserve actual points of public access to waters.
8. Will conserve natural beauty.
9. Will avoid problems associated with flood plain development and use, and
10. Is in conformance with the provisions of Article IV of this Ordinance.

3. Conditions.

Permits granted under this Section may be made subject to reasonable conditions to ensure conformity with the purposes and provisions of this Ordinance.

4. Appeals and Variances.

a. Variances

A copy of all variances affecting shore land areas granted by the Board of Appeals shall be submitted to the Sate Planning Office. The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of the Ordinance under the following conditions.

1. The strict application of the terms of this Ordinance would result in undue hardship to the applicant.
2. The hardship is not the result of action taken by the applicant or a prior owner, and
3. The Board of Appeals, based on clear and convincing evidence presented to it, makes a finding that the proposed use would meet the provisions of Article XV, Section 2-f

b. Appeals to Board of Appeals

The Board of Appeals may, upon written application of an aggrieved party and after public notice hear appeals from determinations of the Planning Board or

Code Enforcement Officer in the administration of this Ordinance. Such hearing shall be held in accordance with State laws. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.

c. Appeals to Superior Court.

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

5. Enforcement

a. Nuisances: Any violation of this ordinance shall be deemed to be a nuisance.

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

c. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, or the Planning Board, upon notice from the Code Enforcement Officer, or any seven registered voters of the Town, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality.

d. Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of up to one hundred dollars ($100.00) for each violation. Each day such a violation is continued is a separate offense.

A. Section 11-d "Structures", is amended by repealing subsection 1 and replacing it with the following:

"1. All structures which are permitted in the Resource Protection and Limited Residential –Recreational District shall set back at least 75 feet from the normal high water mark of any pond, river or salt water body as defined, except that along the West Branch Mattawamkeag River all principal structures which are permitted shall be set back one hundred twenty-five feet (125') from the normal high water mark and shall be screened from the river by existing vegetation. This provision shall not apply to structures which require direct access to the water as an operational necessity such as piers, docks, and retaining walls."

B. Section 11-I "Roads", is amended by adding a new subsection 3 to as follows:

"3. Except for roads that provide access to permitted structures and facilities, new permanent roads along the West Branch Mattawamkeag River shall be located outside the two hundred fifty foot (250') shore land zone. If there are no reasonable alternatives for roads outside the two hundred fifty foot (250') zone, the new road shall require a Planning Board permit and shall be located as far as possible from the normal high water and shall be screened from the river"