LAND USE ORDINANCE
FOR
THE TOWN OF HUDSON, MAINE

Adopted: March 27, 1993

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I. GENERAL PROVISIONS

A. Title

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

B. Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, Sections 4351 and 4352, of the Maine Revised Statutes Annotated.

C. Purposes

The purposes of this Ordinance are as follows:

1. Comprehensive Plan Implementation

   To implement the policies and recommendations of the Hudson Comprehensive Plan;

2. Preservation of Town Character

   To preserve and protect the character of Hudson by dividing the Town into districts according to the use of land and buildings and the intensity of such uses;

3. Protection of the General Welfare

   To assure the comfort, safety, convenience, health and welfare of the present and future inhabitants of the Town of Hudson;

4. Protection of the Environment

   To protect and enhance the natural, cultural, and historic resources from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

5. Promotion of Community Development

   To promote the development of an economically sound and stable community;

6. Reduction of Traffic Congestion

   To lessen the danger and congestion of traffic on roads and highways, limiting excessive numbers of intersections, driveways, and other friction points, minimizing hazards;

7. Balancing of Property Rights

   To protect property rights and values by balancing the rights of landowners to use their land for the purposes regulated by this Ordinance with the corresponding rights of abutting and neighboring landowners; to enjoy their

property without undue disturbance from noise, smoke, dust, fumes, odor, glare, traffic, storm water runoff, or the pollution of ground or surface water;

8. Reduction of Fiscal Impact

   To provide the means of evaluating development proposals for their fiscal impacts on the municipality's ability to provide and improve necessary public facilities and services; and

9. Establishment of Procedures and Standards

   To establish procedures whereby the Town officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which Town residents may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this Ordinance to the Appeals Board.

D. Applicability

This Ordinance shall apply to all land areas within the Town of Hudson with the exception of the Shoreland areas which are regulated by the Shoreland Zoning Ordinance of the Town of Hudson. 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 Hudson, shall be in conformity with the provisions of this Ordinance with the exception of land and buildings regulated by the Shoreland Zoning Ordinance of the Town of Hudson. No building, structure or land area shall be used for any purpose or in any manner except as provided for in this Ordinance.

E. Conflict with Other Ordinances

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, the most restrictive or that imposing the higher standards shall govern.

F. Separability

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to effect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. Amendments

1. Initiation

   Any amendment to this Ordinance may be initiated by the Selectpersons or by petition of the Planning Board to the Selectpersons, or by written petition by a minimum of three registered voters of the Town.

2. Hearings

   In each case, the Planning Board shall hold a public hearing on the proposed amendment at least thirty (30) days prior to a special Town Meeting. The Planning Board shall make known its recommendation on the proposed amendment, in writing, to the Selectpersons prior to the vote and the posting of the warrant.

3. Majority Vote

   This Ordinance may be amended or repealed by a majority vote at a Town Meeting.

H. Annual Administrative Review

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

1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance; and
2. Enhance the implementation of the purposes of this Ordinance contained in C. 1. through C. 9. above.

I. Effective Date

The effective date of this Ordinance or any amendments thereto shall be effective immediately following its/their adoption at an Annual or Special Town Meeting. A copy of this Ordinance, certified by the Town Clerk shall be filed with the Penobscot County Registry of Deeds.

It shall be the duty of the Town Clerk to keep a chronological record of all amendment proposals and approved ordinance amendments. The Town Clerk shall maintain the Land Use Ordinance with appropriate notations within margins of the document to reflect the most recent changes to the document.

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II. NON-CONFORMING STRUCTURES, USES AND LOTS

A. Burden of Proof

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

B. Conversion to Conformance Encouraged

Owners of all existing non-conforming structures and uses shall be encouraged to convert such existing non-conforming structures and uses to conformance wherever possible.

C. Continuance

1. Any lawful use of building, structure, land or parts thereof existing at the effective date of this Ordinance or amendments thereto and not in conformance with the provisions of the Ordinance shall be considered to be a non-conforming use.
2. Any such non-conforming use may continue, and may be maintained , repaired, and improved. No such non-conforming use may be renewed after it has been discontinued for a period of twelve (12) calendar months or more, expanded, changed to another non-conforming use, or replaced without a permit from the Planning Board in accordance with the provisions of Sections V and VI of this Ordinance.

D. Non-conforming Lots of Record

1. A single lot of record which, at the effective date of adoption of this ordinance, does not meet the area or dimensional requirement, or both, of this Ordinance, may be built upon provided that such lot is not contiguous with any other lot in the same ownership, and that all provisions of this ordinance and State Law shall be met. No division of the lot shall be made which reduces any dimension or area below the requirements of this Ordinance. Variance of setback or other requirements involving area or dimensions shall be obtained only by action of the Board of Appeals.
2. If two or more contiguous lots of record are in the same ownership on or after the effective date of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the area or dimensional requirements, or both, of this ordinance, the lands involved shall be considered to be a single lot for the purposes of this Ordinance, and may be built upon provided that all other provisions of this Ordinance shall be met. No division of the lot shall be made which reduces any dimension or area below the requirements of this Ordinance. Variance of setback or other requirements involving area or dimensions shall be changed only by action of the Board of Appeals.
3. On or after the effective date of adoption or amendment of this Ordinance, no lot shall be created or conveyed which does not meet or exceed the area and dimensional requirements of this Ordinance, except for conveyance to an abutting owner, in which case the provisions of 2. C. 2., shall apply.
4. Contiguous non-conforming lots of record, which at the effective date of adoption or amendment of this ordinance are the site of permitted principal structures, shall be considered lots of record, even if they subsequently come under the same ownership. Contiguous, non-conforming lots of record which, at the effective date of adoption or amendment of this Ordinance, are vacant or are the site of permitted accessory structures shall conform to the provisions of Section II. C. 2.

E. Transfer of Ownership

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

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III. ESTABLISHMENT OF DISTRICTS

A. Districts Established

For the purposes of this Ordinance, the Town of Hudson is hereby divided into the following districts:

1. Rural Residential (RR)
2. Natural Resource Protection (RP)
3. Shoreland Zoning (SZ)
4. Village Residential (VR)

B. Standards Establishing Districts, District Description

1. Rural Residential (RR)

a. Areas included

The entire area of the Town of Hudson shall constitute the Rural Residential (RR) District except for those areas hereinafter set aside as Natural Resource Protection, Shoreland Zoning, Village Residential.

b. Purpose

This designation is for those areas such as agriculture, forested, scenic, and other open space areas. Medium to low density development is permitted. A minimum lot size of two (2) acres with a minimum of 200 feet frontage is required. The rural character of these areas of town are to be protected by requiring appropriate buffers and setbacks between road and dwellings; cluster development is permitted in this district, however, plans must be approved by the Planning Board for such design. This district is the largest single district in the Town.

2. Natural Resource Protection (RP)

   a. Areas Included

      Those areas delineated as "D.E.P. Wetland" areas on the Shoreland Zoning Map, Town of Hudson, dated May, 1992.

   b. Purpose

      For the protection of natural resources such as aquifers, significant wetlands nor included in SZ areas, and animal wintering sites.

3. Shoreland Zoning (SZ)

   a. Areas Included

      The shoreland zone shall include all shore frontage on Pushaw Lake, Little Pushaw Pond, and the following streams and brooks: Pushaw Stream, Dead Stream, Bear Brook, Beaver Brook, Baker Brook, Forbes Brook, Hudson Brook, Keyser Brook, Logan Brook, and Mohawk Stream, and all other delineated areas on Town of Hudson Shoreland Zoning Map dated May, 1992.

   b. Purpose

      The separately adopted "Shoreland Zoning Ordinance for the Town of Hudson, Maine" shall control in this district.

4. Village Residential (VR)

   a. Areas Included

      This area will extend from the junction of Routes 43 and 221 East on Route 43 to the railroad tracks, South on Route 221 to the Hudson Elementary School, West on Hudson Hill Road to Beaver Brook, and North on Route 221 approximately 1/2 mile to the Pine Grove Subdivision.

   b. Purpose

      This designation is for an area which includes the existing Village area with its mixture of residential and commercial uses and land adjacent to the Village that will provide for the anticipated increase in residential and commercial activity through the year 2001. The minimum lot size required within this area will be one (1) acre with a minimum of 150 feet of frontage. Cluster development will not be allowed in this area.

C. Official Zoning Map

Districts established by this Ordinance are bounded and defined as shown on the official "Land Use Zoning Map of Hudson, Maine" which, together with its notations and amendments, from time to time, is hereby made a part of this Ordinance.

D. Interpretation of District Boundaries

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

1. Boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the Shoreland Zone as defined herein.
2. Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Planning Board shall interpret the District boundaries.

E. Division of Lots in Two Zones

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

1. When that portion of the lot which is located in the more restrictive District is greater than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than twenty (20) percent of the more restrictive portion;
2. When the portion of the lot which is located on the more restrictive District is less than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than fifty (50) percent of the more restrictive portion;
3. When the portion of the lot which is located in the more restrictive District is equal to that which is located in the less restrictive District, extend the regulations applicable to the less restrictive portion to all of the more restrictive portion.

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IV. SCHEDULE OF USES

A. Uses:

Land Uses permitted in each Zone, in conformance with the land use standards of this Ordinance, are shown below:

B. Key:

Yes - Use allowed with no land use permit required
No - Use prohibited
PB - Use requires permit from the Planning Boar
CEO - Use requires permit from the Code Enforcement Officer

NOTE:

Building permits and/or plumbing permits may be required under other ordinances, statutes, rules or regulations.

C. District Abbreviations:

For the purposes of this table the various Districts are identified by the following abbreviations:

RR - Rural Residential District
RP - Natural Resource Protection District
VR - Village Residential District

NOTE:

For land uses in the Shoreland Zone District, see the Shoreland Zoning Ordinance of the Town of Hudson

D. Schedule of Land Uses

Uses	RR	RP	VR
One and Two Family Dwelling	Yes	PB	Yes
Multi-Family Dwelling	PB	No	PB
Cluster Development	PB	No	No
Home Occupation	Yes	PB	Yes
Agriculture	Yes	PB	Yes
Harvesting Wild Crops (Commercial)	Yes	PB	Yes
Timber Harvesting	Yes	PB	Yes
Non-Intensive Recreational Uses not Requiring Structures (Hunting, Fishing, Hiking, etc.)	Yes	Yes	Yes

Uses	RR	RP	VR
Public and Private Parks and Recreational areas/w minimal Structural Development	PB	PB	PB
Management Activities for Fire Protection, Forest, Wildlife, Soil and Water Conservation	Yes	Yes	Yes
Overnight Campground	PB	PB	PB
Cemetery	PB	PB	PB
Non-Residential Facilities for Education, Science or Worship	PB	PB	PB
Health Care Facilities	PB	No	PB
Restaurant, Store, Bakery	PB	No	Yes
Hotel, Motel, Dance Hall	PB	No	PB
Office Building, Bank	PB	No	PB
Small Engine Repair	PB	No	Yes
Light Manufacturing	PB	No	PB
Heavy Manufacturing	No	No	No
Uses	**RR**	**RP**	**VR**
Automobile Dealership	PB	No	PB
Public Garage	PB	No	PB
Filling Station	PB	No	Yes
Saw Mill	PB	No	No
Public Sewage Disposal	PB	No	No
Filling or Other Earth Moving Activity of Less than 10 Cubic Yards	Yes	CEO	Yes
Filling or Other Earth Moving Activity of More than 10 Cubic Yards	Yes	CEO	Yes
Essential Services Accessory to Permitted Uses	Yes	Yes	Yes
Uses Similar to Permitted Uses	CEO	CEO	CEO
Uses Similar to a Use Requiring a CEO Permit	CEO	CEO	CEO
Uses Similar to a Use Requiring a PB Permit	PB	PB	PB

Uses	RR	RP	VR
Structures Accessory to Permitted Uses	CEO	PB	CEO
Private Junkyards and Automobile Graveyards	CEO	No	No

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V. LAND USE STANDARDS

THIS SECTION CONTAINS GENERAL PERFORMANCE STANDARDS WITH WHICH ALL DEVELOPMENT PROPOSALS SUBMITTED FOR APPROVAL PURSUANT TO THIS ORDINANCE MUST COMPLY

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

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

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

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

A. General Standards

1. Accessory Uses

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

2. "Bed and Breakfast" Accommodations

   "Bed and Breakfast" accommodations shall be permitted in the private dwelling of the host family provided that all State licensing requirements are met.

3. Comprehensive Plan

   All proposed developments shall be in conformity with the Comprehensive Plan of the Town of Hudson and with the provisions of all pertinent local ordinances and regulations, State and Federal laws and regulations.

4. Conversions

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

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

   b. Approval of the conversion plans by the Fire Department, Plumbing Inspector, and State Electrical Inspector, Master Electrician or Code Enforcement Officer is required prior to issuance of a land use permit;

   c. Each dwelling unit shall be at least 300 square feet in area for one bedroom units plus 150 square feet for each additional bedroom.

5. Density Bonus Provisions

   If a project is a planned development or a "cluster development", the minimum lot area and frontage per dwelling unit may be reduced by the amounts shown below within those districts allowing for such development (Rural Residential). In no case shall lots served by subsurface sewage disposal systems be less than 20,000 square feet.

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

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

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

6. Dust, Fumes, Vapors, Gases, Odors, glare, and Explosive Materials

   a. No dust, dirt, fly ash, fumes, vapors or gases shall be emitted into the air from any land use or structure so as to endanger the public health and safety, to impair safety on, or the enjoyment of other property, or to constitute a critical source of air pollution. Any such emissions must comply with State and Federal Standards;

   b. No land use or structure shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines into neighboring properties or onto any town way so as to impair the vision of the driver or any vehicle upon that town way; and

c. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA), Section 30, 58 and 59A.

d. The above standards shall not be applied to agricultural practices.

7. Erosion and Sedimentation Control

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

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

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

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

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

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

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

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

(6) Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends;

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

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

8. Flood Hazard Areas

All construction and development located in a Flood Hazard Area as identified by the Federal Emergency Management Agency and the Floodplain Management Ordinance for the Town of Hudson, shall conform with said Ordinance and subsequent amendments to that ordinance.

9. Home Occupations

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

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

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

(2) It does not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes;

b. All home occupations shall conform with the following:

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

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

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

(4) There shall be no exterior sign other than that permitted in Section V. A. 16.;

(5) The home occupations may utilize:

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

(b) Unfinished attic and basement spaces; and

(c) Accessory structure(s).

(6) Use or storage of hazardous or leachable materials in excess of normal residential use shall be stored and disposed of properly.

(7) The Code Enforcement Officer shall refer any inquiries for a land use permit for a home occupation to the Board of Appeals if, in his/her opinion, there is any doubt as to whether the proposed use fails to meet any of the requirements.

10. Industrial/commercial performance standards

    The following provisions shall apply to all permitted industrial and commercial uses:

    a. Danger

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

    b. Vibration

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

    c. Wastes

        No offensive wastes shall be discharged or dumped onto land, or into river, stream, watercourse, storm drain, pond, lake, or swamp. The disposal of industrial/commercial wastes must comply with the laws of the State of Maine.

11. Junkyards

    No junkyard as defined in this Ordinance shall be established, operated, or maintained without first obtaining a non-transferable land use permit issued in accordance with State licensing and the Town of Hudson's Commercial Automobile and Junkyard Ordinance. The Board of Selectmen and/or the Code Enforcement Officer in cooperation with the State Police shall enforce this provision of this Ordinance.

12. Manufactured housing

    a. Intent

        It is the intent if this Ordinance to provide a wide variety of housing alternatives to all economic levels within the community, while continuing to insure the minimum standards of health, safety and welfare of the community and its citizens. To this end, this Ordinance allows the siting of all types of manufactured housing within the Town of Hudson, regardless of their construction date. The Town does hereby require, however, that all manufactured housing sited within the Town of Hudson meet certain minimum design and safety criteria:

    b. Minimum Safety Standards

        All manufactured housing as defined in this Ordinance, regardless of date of manufacture, and sited within the Town of Hudson after the effective date of this Ordinance, shall meet or exceed the following minimum safety standards before a "Certificate of Occupancy" shall be issued by the Code Enforcement Officer in conformance with Section VI of this Ordinance.

c. Manufactured homes constructed after 1975 must bear the seal of the U.S. Department of Housing and Urban Development which certifies that the Manufactured Home was built pursuant to the provisions of the Manufactured Home Construction and Safety Standards as revised.

d. Manufactured homes constructed prior to 1975 must meet the following standards:

(1) Minimum Electrical Requirements - as provided by the National Electrical Code -

(a) Sufficient Ampere Entrance required;

(b) Copper wiring required;

(c) Appropriate means of grounding required;

(d) Ground faulting receptacles required.

(2) Minimum Fire Prevention Standards -

(a) Contain at least one operable AC smoke detector centrally located within the home and one operable smoke detector in each bedroom;

(b) Have at least one operable fire extinguisher which is readily accessible at all times;

(c) All heating systems shall meet the standards of NFPA 211. In addition, no wood stove shall be used for heating purposes in any manufactured home in the Town of Hudson without first being inspected and approved by the Town of Hudson Fire Department for safe installation;

(d) All automatic dryers, whether electric or gas, must meet the venting requirements of the Manufactured Home Construction Standards of 1975, as established by HUD;

(e) Shall have a minimum of two doors exiting directly to the outside of the manufactured home separated by distances as established by the HUD Standards;

(f) Must meet the egress requirements of the Manufactured Home construction Standards of HUD, to wit, all manufactured homes shall provide for at least two means of egress from each bedroom, one of which must be directly to the outside of the home.

(3) Minimum Plumbing Standards - shall meet or exceed the minimum standards of the Maine Plumbing Code as amended.

(4) Minimum Structural Standards - shall meet or exceed the minimum HUD standards pertaining to structural integrity.

(5) Minimum Design Standards - All manufactured housing located within the Town of Hudson after the effective date of this Ordinance shall:

(a) Have and maintain external siding which is residential in appearance;

(b) Be located on a foundation which may include as a minimum a gravel pad and skirting of a material which is residential in appearance; and provide a safe means of egress and ingress to and from the manufactured home (stairs with handrails).

13. Off-Street Parking

The following minimum off-street parking requirements shall be provided and maintained;

a. Dwellings

Two (2) parking spaces for each dwelling unit.

b. Transient Accommodations:

(1) Bed and Breakfast accommodations and motels, hotels, boarding houses, and inns, with 10 rooms or less - Two (2) parking spaces plus one (1) space for each guest room; and

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

c. Health Institutions (bed facilities)

One (1) parking space for every three (3) beds, plus one parking space for each employee based on the expected average employee;

d. Theaters, churches, and other public assembly places

One (1) parking space for every four seats, or for every 100 square feet or fraction thereof of assemblage space if no fixed seat;

e. Retail Stores

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

f. Restaurants, eating and drinking establishments

One (1) parking space for every four (4) seats, plus one (1) space for every two employees;

g. Professional offices and public buildings

One (1) parking space for every 200 square feet of gross leasable area, exclusive of cellar and bulk storage areas;

h. Commercial Recreational Establishments

The Planning Board shall determine the appropriate number of spaces;

i. Commercial/Light Industry

The Planning Board shall determine the appropriate number of spaces.

14. Off-Street Loading Requirements

Adequate off-street loading areas shall be provided.

15. Sewage Disposal

a. Subsurface Sewage Disposal

b. No permit shall be issued for a project with subsurface sewage disposal unless:

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

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

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

c. Sewage Sludge Disposal

d. All septic sludge disposal shall conform with the "Maine Guidelines for Septic Tank Sludge Disposal on the Land", published by the University of Maine and the Maine Soil and Conservation Commission in April 1974, as revised.

16. Signs

a. On-Premise Signs

b. Owners or occupant of real property may erect and maintain on-premise signs which advertise the sale or lease thereof or activities being conducted thereon, provided the sign does not adversely impact the character of the neighborhood.

c. Temporary Signs

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

(1) Temporary signs giving notice

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

(3) Temporary Yard Sale Signs

(4) Temporary Yard Sale Signs are permitted provided they are removed within 24 hours of the completion of the sale. Yard sales which extend for more than four (4) consecutive days are considered a commercial use.

e. Sign requirements

f. All signs within the limits of the Town of Hudson shall meet the following requirements:

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

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

g. Exempt Signs

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

(1) Signs erected by a government body; and

(2) Traffic control signs, signals, and/or devices.

17. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report prepared by a State-certified soil scientist or geologist, based on an on-site investigation.

18. Topsoil and Vegetation Removal

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

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

19. Utilities

a. Underground utilities, when and if installed, shall be installed prior to the installation of the final gravel base of the road; and

b. The size, type, and location of street lights and other utilities shall be shown on the plan and approved by the Planning Board.

20. Water Quality

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that runs off, seeps, percolates, or washes into surface or groundwater so as to contaminate , pollute, or harm such waters or cause nuisances, such as objectionable share deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, to be harmful to human, animal, plant or aquatic life.

B. Dimensional Requirements

All lots, structures and uses shall meet or exceed the following dimensional requirements:

The Land Use District symbols are:

Rural Residential: (RR)
Natural Resource Protection (RP)
Shoreland Zoning (SZ)
Village Residential (VR)

DISTRICT REQUIREMENTS	RR	RP	VR
Minimum Lot Size	2 acres *	2 acres	1 acre
Minimum Lot Area per Family	2 acres *	2 acres	1/2 acre
Minimum Road Frontage	200 Ft.	200 Ft.	150 Ft.
Center of Road Setback	50 Ft. **	50 Ft. **	50 Ft. **
Minimum Side Yard Setback	20 Ft.	20 Ft.	10 Ft.
Minimum Rear Yard Setback	20 Ft.	20 Ft.	20 Ft.

* Cluster Development may vary in accordance with General Standards above.

** Denotes setback from center of Town Roads. Minimum setback from State Roads shall be in conformance with State of Maine Department of Transportation requirements.

SHORELAND ZONING (SZ) DISTRICTS ARE GOVERNED BY THE TOWN OF HUDSON SHORELAND ZONING ORDINANCE.

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VI. ADMINISTRATION AND ENFORCEMENT

A. Permits

1. Permits required

After the effective date of this ordinance no person shall engage in any use of land requiring a permit in the district in which it would occur, or expand or change an existing non-conforming use, or renew a discontinued non-conforming use without first obtaining a permit.

2. Permit Application

Application for permits shall be submitted in writing to the Code Enforcement Officer or the Planning Board. All information required to determine conformance with the provisions of this Ordinance must be provided by the applicant.

3. 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 the information requested by the Town of Hudson.

4. Permits Issued by the Code Enforcement Officer

The Code Enforcement Officer shall approve or deny those applications on which he is empowered to act as shown in Section IV, and shall forward to the Planning Board the completed applications upon which they are empowered to act. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

5. Permits Issued by the 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 shall, after the submission of a complete ap[plication, including all information requested, grant a permit if it makes a positive finding based on the information presented to it that, except as specifically exempted in this Ordinance, the proposed use:

a. Meets the Intent of the Comprehensive Plan;

b. Is in conformance with the appropriate provisions of Section V, Land Use Standards, of this Ordinance;

c. Will adequately dispose of the amount and type of wastes to be generated;

d. Will not create adverse long term effects on topographic and drainage features, and vegetative cover of the site;

e. Does not have a high erosion potential based on the degree and direction of slope, soil type,, and vegetative cover;

f. Will not adversely impact local water supplies and municipal services;

g. Will not adversely impact the surrounding neighborhood in terms of scale of development, height of structures, traffic, and general compatibility;

h. Will not result in unsafe or unhealthful conditions;

i. Will not result in water pollution, including lakes, ponds, streams, brooks, aquifers, and wells;

j. Will not adversely impact air quality;

k. Will not create disturbing and disruptive noise levels;

l. Will not result in damage to spawning grounds, fish, aquatic and bird life, and other wildlife habitat;

m. Will avoid problems associated with flood plain development and use.

6. Conditions

If the Code Enforcement Officer or the Planning Board does not make a positive finding on any one or more of the above listed criteria, then the permit application may be approved subject to those reasonable conditions which, when imposed, do produce a positive finding on each of the criteria.

7. Other Permits Required Before Approval

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

B. Violations

Any violation of this Ordinance shall be deemed to be a nuisance and shall be corrected within thirty (30) days of receipt of Notice of Violation unless an extension of time is granted by the Code Enforcement Officer or the Planning Board. Said violation may void all permits.

C. Commencement and Completion of Work

Construction and alteration activities for which approval has been granted under this Ordinance shall commence within one (1) year of the date of issuance of the permit and shall be substantially completed within twenty-four (24) months of the date of issuance.

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

Activities may be extended for up to one (1) year by the Code Enforcement Officer or the Planning Board if an application is submitted no later than thirty (30) days prior to expiration.

D. Certificate of Occupancy Required

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

1. Any increase in the number of dwelling units in a building;
2. Establishment of a home occupation;
3. Change in the use of a non-conforming structure or lot;
4. Rental or leased units.

E. Public Hearings

The Town Clerk shall publish notice of hearing at least seven (7) days in advance in a newspaper of general circulation in the area at least two (2) times and shall post such notice in at least two (2) conspicuous public places at least seven (7) days in advance of the hearing.

At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman of the Planning Board or designated hearing officer.

The Planning Board must reach a decision within sixty (60) days of receipt of a completed application, including all requested information. Upon reaching a decision, the Planning Board shall prepare a written decision, stating its reasons. The detailed written findings of fact, shall be based on sufficient evidence presented at the public hearing, as well as its conclusions and the reasons or basis thereof. These findings shall not be based on feelings or unsubstantiated allegations, but upon the evidence contained in the record of the hearing, site visits, and the application.

F. Enforcement

1. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance

conditions. A copy of such notice shall be maintained as a permanent record, and a copy provided to the Planning Board.

2. Legal Actions

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

3. Fines

   Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation shall be guilty of a civil violation and subject to such fines as are set forth in 30 MRSA 4966, subsection 3.

4. Contractor Liability

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

G. Variances and Appeals

1. Variances

   a. Variances may be granted by the Board of Appeals from the restriction imposed by this Ordinance on lot size, coverage and setback, only where strict application of this Ordinance, or a provision thereof, would cause undue hardship to the petitioner and his property.

   b. The words "undue hardship" shall mean:

      (1) That the land in question cannot yield a reasonable return unless a variance is granted;

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

      (3) That the granting of a variance will not alter the essential character of the locality;

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

   c. A variance is authorized only for dimensional requirements. A variance shall not be granted to permit a use or structure otherwise prohibited.

   d. Each petitioner for a variance shall submit to the Board of Appeals statements in writing, which may be accompanied by diagrams or photographs which shall become part of the record of such petition, demonstrating the following:

(1) The nature of the hardship to the property under appeal; and the physical circumstances that allegedly would occasion such undue hardship;

(2) That such physical circumstances are peculiar to the property under appeal, and are not substantially duplicated on other property adjoining or nearby in the same neighborhood or the same District; and

(3) That the relief sought would not adversely affect property adjoining or nearby in the same neighborhood or the same District, and would not endanger the public health, safety or convenience and would not be contrary to this Ordinance or the Town of Hudson Comprehensive Plan.

2. Administrative 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 hearings shall be held within thirty (30) days in accordance with State law.

Following the hearing, the Board of Appeals may reverse the decision of the Planning Board or the Code Enforcement Officer only upon a written finding that the decision is clearly contrary to specific provisions of this Ordinance.

3. Appeal to Superior Court

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

H. Fee Schedule

All applications for Land Use Permits shall be accompanied by the following fees payable to the Town of Hudson. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit.

1. Plumbing Permits
2. Fees for Plumbing Permits shall be pursuant to the Maine State Plumbing Code.
3. Land Use Permits
4. Fees for Land Use Permits include the building notification fee and shall be paid to the Town of Hudson, Maine pursuant to the following schedule of fees:

Value	Fee	Value	Fee
$ 1,000- 5,000	$ 5	$ 70,001- 80,000	$ 80
$ 5,001-10,000	$ 10	$ 80,001- 90,000	$ 90
$ 10,001-20,000	$ 20	$ 90,001-100,000	$ 100
$ 20,001-30,000	$ 30	$ 100,001-200,000	$ 200
$ 30,001-40,000	$ 40	$ 200,001-300,000	$ 300
$ 40,001-50,000	$ 50	$ 300,001-400,000	$ 400
$ 50,001-60,000	$ 60	$ 400,001-500,000	$ 500
$ 60,001-70,000	$ 70	Over $ 500,001	$ 600

For those projects whose estimated construction cost exceeds the above schedule of fees, add one additional dollar ($1.00) for each thousand dollars ($1000) in additional estimated construction costs.

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VII. DEFINITIONS

A. Construction of Language

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

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
2. The present tense includes the future tense, the singular number includes the plural and the plural includes the singular;
3. The word "shall" is mandatory;
4. The words "may" is permissive;
5. The words "used" or "occupied" includes the words "intended", "designed". or "arranged to be used or occupied"; and
6. The word "dwelling" includes the word "residence".

7. the case of any difference of meaning or implication between the text of this ordinance and any map or illustration, the text shall control.
8. Terms not defined shall have the customary dictionary meaning.

B. Definitions

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

ABUTTING:

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

ACCESS:

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

ACRE:

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

AGGRIEVED PERSON:

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

ALTERATION:

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

ANTIQUE SHOP:

A retail business establishment offering for sale wares or goods such as art, furniture, or decorative objects from an earlier period than the present day.

APARTMENT:

See STRUCTURAL TERMS.

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 this Ordinance.

ATTIC:

That part of a building which is immediately below, and wholly or part within , the roof framing.

AUTOMOBILE SALES LOT:

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

AUTOMOBILE SERVICE STATION (filling station):

Any premises used for supplying gasoline and oil at retail, direct to the consumer, including the sale of minor accessories and minor services of automobiles.

AUTO REPAIR GARAGE:

A place where the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; over-all painting and undercoating of automobiles.

BASEMENT:

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

BED AND BREAKFAST:

Those accommodations provided for compensation as a business in the private residence of the host family.

BUFFERS:

Units of land, together with a specific type and amount of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING:

A roofed structure. See STRUCTURAL TERMS.

BUILDING AREA:

Total of areas takes 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.

CAMPGROUND:

Any land area specifically designed and developed, containing two or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents,

recreational vehicles and/or towed travel trailers for compensation. Accessory uses, subject to further review, include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlets for camping supplies and equipment, recreational services, etc..

CERTIFICATE OF OCCUPANCY:

Official certification that a premises conforms to provisions of the land use ordinance and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

CHURCH CAMP/YOUTH CAMP:

A building or group of buildings used for recreational or religious programs and activities for specific time periods throughout the year.

CLUSTER DEVELOPMENT:

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

COCKTAIL LOUNGE:

A public room typically where cocktails and other drinks are served.

CODE ENFORCEMENT OFFICER:

A person appointed or elected by the governing body 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 COMPLEX (Shopping Mall):

Commercial premises owned or managed as a single entity, which accommodates more than one retail or service business, including professional offices, and containing more than 12,000 square feet of gross floor area, including department stores and grocery stores with more than 12,000 square feet of gross floor area.

CONDOMINIUM:

As defined in the "Maine condominium Act of 1983", the term means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, duly recorded pursuant to this Act. A condominium s a legal form of ownership, not a land development type. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONDOMINIUM CONVERSION:

A building that at any time before creation of the condominium was occupied wholly or partially by one or more persons other than purchasers and persons who occupy with the consent of purchasers.

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.

DAY CARE FACILITY:

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

a. Day Care Center:

   A Day Care Facility as defined in State Statutes for 13 or more children on a regular basis; and

b. Day Care Home

   A Day Care Facility as defined in State Statutes for 3 to 12 children on a regular basis.

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:

The number of dwelling units per area of land.

DENSITY BONUS:

The reduction in the minimum lot size and minimum lot area per dwelling, in planned or cluster development proposals, where permanent open space is provided.

DEVELOPER:

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

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 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.

DISTRICT:

A specified portion of the Town, delineated on the Official Land Use Map, within certain regulations and requirements or various combinations thereof, applied under the provisions of this Ordinance.

DRAINAGE:

The removal of surface or groundwater 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 private way primarily intended to transport vehicles from a public or private way to within private property.

DWELLING:

See STRUCTURAL TERMS.

EASEMENT:

Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

ELDER COTTAGES:

See STRUCTURAL TERMS.

EMERGENCY OPERATIONS:

Emergency operations 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 or injury.

ENLARGEMENT OR TO ENLARGE:

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

ESSENTIAL SERVICES:

The construction, alteration 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.

EXTENSION OR TO EXTEND:

An increase in the amount of existing floor area used for an existing use within an existing building. To "extend' is to make an extension.

FAMILY:

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

FRONTAGE, ROAD:

The horizontal distance between the intersections of the side lot lines with the front lot line. Easements may be included while calculating road frontage.

GARAGE, RESIDENTIAL:

An accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence usually occupying the ground floor area of principal one-or-two family dwellings, not more than one space may be used by the private automobile of a person not resident on the premises.

GENERAL CONTRACTOR:

A retail business establishment that contracts to perform work or provide services that is primarily construction related.

GIFT SHOP:

A retail business establishment offering for sale wares or goods suitable for gifts.

GRADE:

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

GRAIN AND FEED STORE:

A retail business establishment offering for sale wares or goods such as grain, feed and other farm related products.

GREENHOUSE, COMMERCIAL:

An enclosed building, permanent or portable, which is used for the growth and sale of small plants 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 establishment retailing food and related commodities, as distinguished from a supermarket, defined as a "Major Retail Outlet".

GUEST ROOM:

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

HOME OCCUPATION:

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

HOSPITAL:

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

IMPERVIOUS SURFACE:

Surfaces which do not absorb water, specifically all buildings, parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt. In cases of lumber yards, areas od stored lumber constitute impervious surfaces.

INDUSTRY:

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

IN-LAW APARTMENT:

see STRUCTURAL TERMS.

JUNKYARD:

1. Automobile Graveyard:

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

2. Junkyard:

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

LAND USE PERMIT:

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

LIVE BAIT SALES:

The sale of goods and services associated with luring onto a hook or into a trap.

LOADING SPACE:

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

LOT AREA:

The area contained within the boundary lines of a lot.

LOT, CORNER:

A lot abutting two or more streets at their intersection.

LOT COVERAGE:

The percentage of the lot covered by impervious surfaces.

LOT DEPTH:

The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

LOT FRONTAGE:

Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required the Ordinance shall be provided, at least on one street. Easement may be included when calculating lot frontage.

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:

a. Front Lot Line:

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

b. Rear Lot Line:

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

c. Side Lot Line:

Any lot line other than a front or rear lot line.

LOT OF RECORD:

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

LOT STANDARDS:

The combination of controls which establishes the maximum size of a building and its location on the lot. Components of lot standards, also known as "space and bulk" regulations in size and height of building; location of exterior walls at all levels with respect to lot lines, streets and other buildings; building coverage; gross floor area of buildings in relation to lot area; open space (yard) requirements; and amount of lot area provided per dwelling unit.

MAJOR RETAIL OUTLET:

A retail commercial establishment with an interior customer selling space, excluding back room storage, office space, and processing space, of more than 5,000 square feet.

MANUFACTURING:

The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting or otherwise shaping the processed materials into useful objects/products, including the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

MANUFACTURED HOUSING:

A structural unit or units designated for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. For the purposes of this Ordinance, three (3) types of manufactured housing will be referred to:

a. Newer Mobile Homes:

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

b. Older Mobile Homes:

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

c. Modular Homes:

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

MEDICAL CLINIC:

An office building used by members of the medical profession for the diagnosis and out patient treatment of human ailments.

MINERAL EXTRACTION:

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

MOBILE HOME PARK:

A parcel of land under unified ownership approved by the Town of Hudson for the placement of three (3) or more manufactured homes.

MOTOR VEHICLE:

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

MOTOR VEHICLE, UNSERVICEABLE:

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

MUNICIPAL FACILITIES:

Buildings or land which is owned by the Town of Hudson and operated under its supervision.

MUSEUM:

A building or portion thereof which is devoted to the procurement, care, study, and display of objects of lasting interest or value.

NON-CONFORMING USE:

See USE TERMS.

NORMAL MAINTENANCE AND REPAIR:

Any work necessary t maintain an improvement structure in its original or previously improved condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, change in size or capacity.

NURSERY, COMMERCIAL:

An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers 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 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.

OWNER:

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

PARCEL:

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

PARKING LOT:

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

PARKING SPACE:

A designated area, not less than ten (10) feet wide and 20 feet long, enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

PATIO:

See STRUCTURAL TERMS.

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 the citizens of Hudson.

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, etc., or in which a business conducts its administrative, financial or clerical operations, but not including any manufacturing or sale of goods or merchandise.

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.

RECONSTRUCTION:

The restoration, remodeling or rebuilding of a non-conforming 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.

REDEMPTION CENTER:

A retail business establishment offering monetary exchange for bottles, cans, and associated products in accordance with the applicable state regulations.

RENTAL CABINS AND COTTAGES:

Dwelling units that are specifically designed and developed for temporary accommodations.

REPAIR SERVICE (other than auto):

A retail business establishment providing repair and maintenance services of various products other than automobiles.

RESTAURANT:

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

a. 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

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

ROAD:

A public or private thoroughfare, way, or easement permanently established for passage of persons or vehicles, having a minimum width of 60 feet. Road width may be reduced with Planning Board approval.

ROAD SIDE STAND:

A roadside stand selling at retail on the premises farm produce, firewood, garden, greenhouse or nursery products, cut Christmas trees, garland, wreaths, and wreath materials and similar seasonal products.

SCHOOL, MUNICIPAL:

A publicly owned facility within which educational classes for any grades, kindergarten through twelve, are conducted pursuant to a program approved by the State Board of Education or a similar governmental agency.

SETBACK:

The minimum horizontal distance from the center of the travel-way or lot line to the nearest part of a structure.

STRUCTURAL TERMS:

a. Apartment:

   See dwelling unit below.

b. Building:

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

c. Building, Accessory:

   A building which;

   (1) is subordinate in extent and purpose to the principal building or use served,

   (2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and

   (3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

d. Building, Principal:

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

e. Camp:

   A building intended only for use on a seasonal basis. If located on the same lot with a principal building, it is considered to be an accessory structure. Use as a principal dwelling or rental cabin is not allowed. A camp may be a simple one room primitive structure or a building with all modern conveniences. All plumbing and electrical improvements shall comply with the applicable codes.

f. Dwelling:

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

g. Dwelling Unit/Apartment:

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

h. Dwelling, Single-Family Detached:

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

i. Dwelling, Two-Family:

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

j. Dwelling, Multiple-Family:

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

k. Elder Cottage:

A detached temporary dwelling unit located on the same parcel as the principal dwelling unit, which meets the applicable lot size, setback, and septic system requirements. Elder cottages must be removed from the parcel once its intended needs are served. Elder cottages must be occupied by persons related to the owner and occupant of the principal dwelling unit by blood, marriage or adoption whether or not said persons pay rent or share expenses with the owner thereof.

l. In-Law Apartment:

A separate dwelling unit which is located within and subordinate to a single family detached dwelling and is occupied by a person or persons related to the owner and principal occupant of the dwelling unit by blood, marriage or adoption whether or not said persons pay rent or share expenses with the owner thereof.

m. Patio:

A recreation area that adjoins a dwelling and is delineated by paving, concrete, stones or other impervious surfacing material and is adapted especially to outdoor dining and lounging.

n. Structure:

Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land, including a patio or deck.

SUBDIVISION:

The division of a tract or parcel of land into 3 or more lots within any 5 year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5 year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structure previously used for commercial or industrial use into 3 or more dwelling units within a 5 year period as further defined in State Statutes, Title 30-A, MRSA, Section 4401, as amended.

TAKE OUT FOOD SERVICES:

A retail business establishment designed for the sale of food not to be consumed within the business structure.

TEMPORARY SIGN:

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

TOWN:

The Town of Hudson.

USE:

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

a. Accessory Use:

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

c. Principal Use:

The specific or primary purpose for which land is used.

d. Temporary Use:

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, with the exception of an Elder Cottage.

e. Conforming (Permitted) Use:

A use which may be lawfully established in a particular district, provided it conforms with all the requirements, standards and regulations of such district.

f. Existing Non-Conforming Use:

A use which lawfully existed prior to the enactment of this Ordinance or subsequent amendment, and which is maintained after the effective date of this Ordinance, although it does not comply with use restrictions applicable to the district in which it is situated.

g. Non-Conforming Use:

A use which does not conform to the provisions of this Ordinance.

h. Open Space Use:

A use which does not disturb the existing state of the land except to restore this land to a natural condition.

VARIANCE:

A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship as defined by State Statutes.

WAREHOUSING AND STORAGE FACILITY:

A structure for the storage of merchandise commodities, including bulk storage and bulk sales outlet.

WHOLESALE BUSINESS FACILITY:

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.

YARD:

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

a. Front Yard:

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

b. Rear Yard:

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.

c. Side Yard:

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

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APPENDIX A: Town of Hudson Shoreland Zoning Map

The Town of Hudson Shoreland Zoning Map is on display at the Town Office.

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