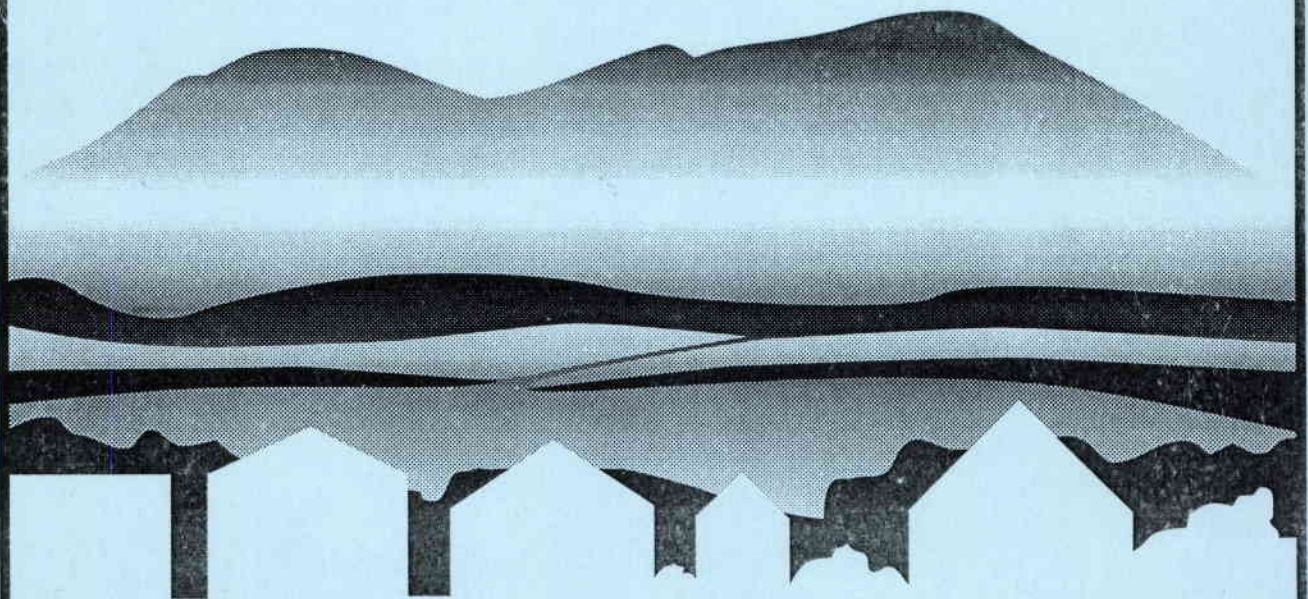


Town Of

Mars Hill Zoning Ordinance



Prepared By:

Northern Maine
Development Commission

TPD
MARS HILL

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Town of Mars Hill Zoning Ordinance

Section 1 Legal Status Provisions.

1.1 Title.

This Ordinance shall be known and may be cited as the "Town of Mars Hill Zoning Ordinance" and will be referred to herein as this "Ordinance".

1.2 Authority.

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the provisions of Title 30-A, MRSA Section 3001 (Home Rule), and the State's Growth Management Law, Title 30-A MRSA, Sections 4311 et. seq..

1.3 Purpose.

- A. To further the maintenance of safe and healthful conditions and the general welfare, to control building sites and the placement of structures and land uses, to implement certain provisions of the Town's Comprehensive Plan, to maintain traffic flow and promote traffic safety, to conserve the Town's natural resources, and to encourage the most appropriate use of land throughout the Town.
- B. This Ordinance does not grant any property rights; does not authorize any person to trespass, infringe upon or injure the property of another; and does not excuse any person of the necessity of complying with other applicable laws and regulations.

1.4 Applicability.

The provisions of this Ordinance shall govern all land and structures within the boundaries of the Town of Mars Hill, exclusive of the land and water area subject to the Town's Shoreland Zoning Ordinance.

1.5 Availability.

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be available to any member of the public. Copies shall be made available at a reasonable cost at the expense of the person making the request. Notice of the availability of this Ordinance shall be posted.

1.6 Basic Requirements.

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, any new land uses, and any change or expansion of existing land uses shall be in conformity with the provisions of this Ordinance. No building, structure or land shall be used for any purpose or in any manner except as permitted within the District in which such building, structure, or land is located.

1.7 Restoration of Unsafe Property.

Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition any part of any building or structure declared unsafe by the Code Enforcement Officer.

1.8 Pending Application for Building Permits.

Nothing in this Ordinance shall require any change in the plans, construction, size, or designated use for any building, structure, or part thereof for which application for a Building Permit has been made and deemed complete by the Code Enforcement Officer or Planning Board or a Building Permit has been issued for upon which construction commenced prior to the adoption or amendment of this Ordinance, provided construction shall start within sixty (60) days after the issuance of such Permit.

1.9 Validity and Severability.

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.

1.10 Conflict with Other Ordinances.

This Ordinance shall not replace, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings or structures, the provisions of this Ordinance shall control.

1.11 Amendment.

A. Initiation of Amendment.

An amendment to this Ordinance may be initiated by:

1. the Planning Board provided a majority of the Board has so voted. A majority vote of the Planning Board constitutes a Planning Board recommendation.
2. request of the Town Officers to the Planning Board or,
3. written petition of a number of voters equal to at least 10 percent of the number of votes cast in the Town at the last gubernatorial election.

B. Adoption of Amendment.

1. An amendment to this Ordinance may be adopted by a majority vote of the Town Council.
2. The Planning Board shall hold a public hearing on the proposed amendment at least 30 days prior to the meeting of the Town Council. Notice of the hearing shall be posted at least 10 days in advance in a newspaper of general circulation in the area.

1.12 Repetitive Petitions.

No proposed change in this Ordinance which has been unfavorably acted upon by the Town Council shall be considered on its merits by the Town Council within one (1) year after the date of such unfavorable action, unless adoption of the proposed change is recommended by unanimous vote of the Planning Board.

1.13 Effective Date.

The effective date of this Ordinance is _____.

Section 2 Establishment Of Districts / Map.

2.1 Zoning Districts.

To implement the provisions of this Ordinance, the Town of Mars Hill is hereby divided into the following Zoning Districts:

- A. Residential District (R-1)
- B. Residential District (R-2)
- C. Commercial District (C)
- D. Industrial District (I)
- E. Rural Farm District (RF)

2.2 Location of Districts.

Said Districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of the Town of Mars Hill, Aroostook County," dated _____, and on file with the Town Clerk in the Town Office. The Official Zoning Map is hereby adopted and made a part of this Ordinance. The Official Map shall be signed by the Town Council and Chair of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment. Additional copies of this map may be seen in the Town Office. The procedure for amending the Official Zoning Map shall follow the same procedure for amending any other part of this Ordinance.

2.3 Uncertainty of Boundary Location.

Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of roads, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following Town limits shall be construed as following Town limits;
- D. Boundaries indicated as following railroad lines shall be construed to follow such lines;
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as being parallel to or extensions of features indicated in (A) through (E) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and
- G. Where physical or cultural features existing on the ground are at difference with those shown on the Official Zoning Map, or in other circumstances not covered by (A) through (F), above, the Board of Appeals shall interpret the District boundaries and be the final authority as to location.

2.4 Division of Lots by District Boundaries.

- A. Where a Zoning District boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than 50 feet into the more restricted portion of the lot, subject to the provisions of 2.4(B), below.

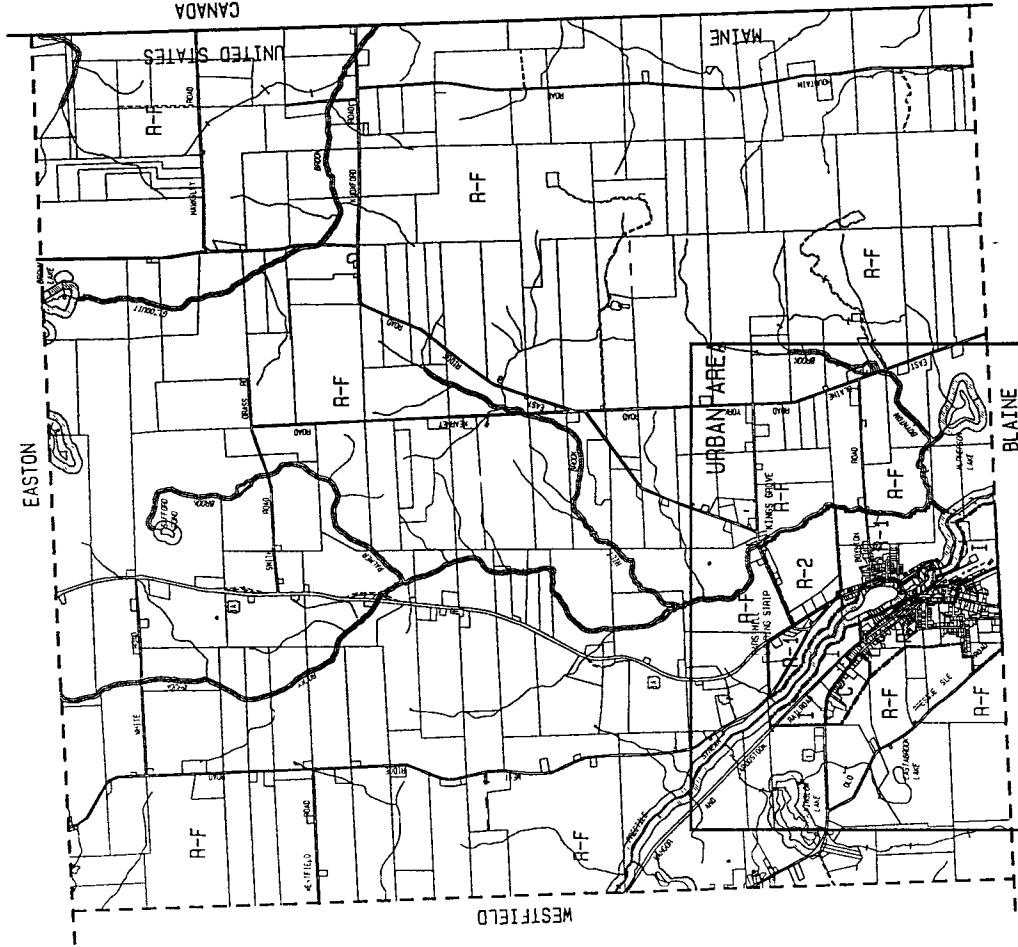
- B. Extension of less restrictive regulations shall be reviewed as a Conditional Land Use, subject to approval of the Planning Board and in accordance with the criteria set forth within this Ordinance. The extension of less restrictive regulations is not permissible in land areas within the jurisdiction of the Town's Shoreland Zoning Ordinance adopted December 16, 1991.

2.5 Changes on the Official Zoning Map.

If, in accordance with the provisions of this Ordinance and MRSA, Title 30-A, Section 4352, changes are made in District boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within 30 days after the amendment has been approved by the Town Officers.

2.6 Replacement of the Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Town Council, Town Clerk, and Chairman of the Planning Board under the following words: "This is to certify that this Official Zoning Map supersedes and replaces this Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the Town of Mars Hill, Maine." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.



CANADA

UNITED STATES

NEW BRUNSWICK

MAINE

EASTON

WESTFIELD

URBAN AREA

BLAINE

LEGEND:

- TOWNSHIP BOUNDARIES
- INTERNATIONAL BOUNDARIES
- ZONING BOUNDARIES

- R-1 RESIDENTIAL DISTRICT
- R-2 RESIDENTIAL DISTRICT
- C COMMERCIAL DISTRICT
- I INDUSTRIAL DISTRICT
- R-F FARM DISTRICT

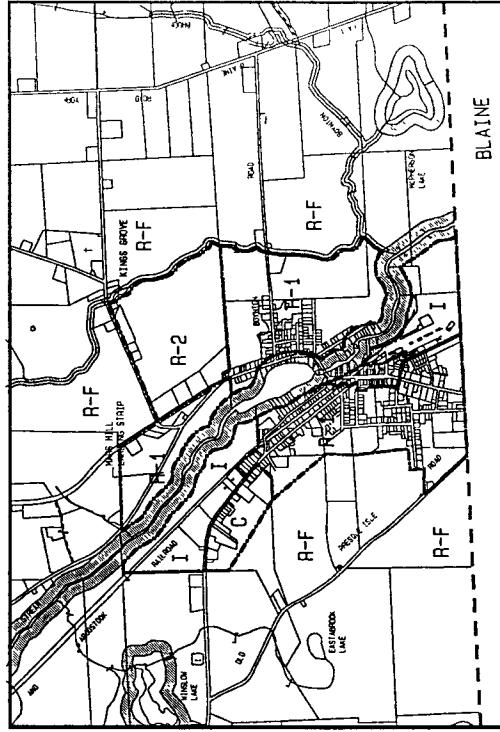
SHORELAND AREAS

NOTE: SHORELAND AREAS ARE UNDER THE JURISDICTION OF THE STATE AND ZONING DISTRICTS ADOPTED DECEMBER 16, 1991

SAND AND GRAVEL OVERLAY DISTRICT

NOTE: 1. THIS MAP IS INTENDED FOR GENERAL GUIDANCE ONLY AND SHOULD NOT BE USED FOR CONVEYING TITLE. THE LOCATION OF THE TOWNSHIP BOUNDARIES ON THIS MAP IS FOR INFORMATION ONLY. THE EXACT LOCATION OF THE TOWNSHIP BOUNDARIES WILL BE DETERMINED BY ON-SITE SURVEYING AND RECORDS.

2. THIS MAP IS BASED ON THE LATEST 7.5 MINUTE QUADRIC MAPS AND THE TOWNSHIP MAP OF MARS HILL, NEW BRUNSWICK, AND CERTIFIED ZONING MAPS.



URBAN AREA ZONING
SCALE: NOT TO SCALE

CERTIFIED BY:

SCALE:



DATE:

ATTESTED BY:

TOWN CLERK

MUNICIPAL OFFICERS:



MARS HILL
ZONING

DATE: 1/14/94

REVISED 2/17/94

Section 3 Non-Conforming Uses.

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed prior to the date of the provision(s) that created the non-conformity, shall be allowed to continue subject to the requirements set forth in this Section.

3.1 Continuance of Non-Conforming Structures and Uses.

- A. The use of land, buildings or structures, lawful at the time of adoption or subsequent amendment of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance.
- B. A non-conforming building or structure may be repaired, maintained or improved, but the portion of the structure or building which is non-conforming, may not be extended or expanded except in conformity with the provisions of this Ordinance. In no instance shall a structure or building be expanded in manner which would make it more non-conforming.
- C. A non-conforming use may not be expanded or changed to another non-conforming use.
- D. A non-conforming building or structure, that is damaged by fire, explosion, tornado, lightning, earthquake or other uncontrollable causes, may be rebuilt if a building permit is issued within one year of the date of such damage, but not thereafter.

3.2 Discontinuance of Non-Conforming Uses.

A non-conforming use which is discontinued for a period of two (2) years may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Ordinance.

3.3 Rule of Precedence.

Whenever a non-conforming use is superseded by a permitted use of a structure, such structure or combination of land and structure shall thereafter conform to the provisions of this Ordinance and the non-conforming use may not thereafter be resumed.

3.4 Transfer of Ownership.

Ownership of land, structures, or uses which were lawfully in existence, but became non-conforming by the adoption or amendment of this Ordinance, may be transferred and the new owner may continue the non-conforming uses or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

3.5 More than One Principal Use on a Lot.

Any lot where more than one dwelling unit or other principal use exists, not including mobile homes, at the time of the adoption or amendment of this Ordinance, the lot may be divided and sold together or to separate owners provided the State minimum lot size law and the Subsurface Waste Water Disposal rules are complied with. When lots are divided, each new lot created must be as conforming as possible to the dimensional requirements of this Ordinance. No new lot line shall pass through the footprint of an existing principal or accessory structure.

3.6 Non-Conforming Lots of Record.

- A. A single lot of record which, at the effective date of adoption or amendment of this Ordinance, which does not meet the minimum lot area, or lot width, lot depth, lot frontage requirements, or any combination thereof, of the District in which it is located, may be built upon provided that such lot shall be in separate ownership and not continuous with any other lot in the same ownership, and that all other provisions of this Ordinance shall be met. Variance of yard or other requirements not involving area, width, depth, or frontage shall be obtained only by action of the Board of Appeals.
- B. If two or more contiguous lots or parcels are in single ownership of record at the time of adoption or amendments of this Ordinance, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, the lands

involved shall be considered to be a single parcel for the purposes of this Ordinance and no portion of said parcel shall be built upon which does not meet dimensional requirements of this Ordinance; nor shall any division of the parcel be made which creates any dimension or area below the requirements of this Ordinance, except as provided in 3.5 above.

Section 4 District Establishment and Requirements.

4.1 Basic Requirement.

All Permitted Uses, uses which require a Code Enforcement Officer approval, and Conditional Uses requiring Planning Board approval shall conform to dimensional requirements table below and other applicable requirements of this Ordinance. A Plumbing Permit, and a Building and or Land Use Permit shall be required for all buildings, uses, and sanitary facilities, according to the Land Use Table below and the provisions of this Ordinance.

4.2 Residential District (R-1)

A. Purpose

1. To provide areas for residential growth in such a manner and at such locations as are compatible with existing development and the ability of the community to provide essential services and utilities.
2. To provide areas for public, semi-public, and neighborhood commercial uses compatible with and necessary to high density residential development.

4.3 Residential District (R-2)

A. Purpose

1. To provide areas for residential growth in a more intensive manner than the (R-1) District at such locations as are compatible with existing development and the ability of the community to provide essential services and utilities.
2. To provide areas for public and semi-public uses compatible with and necessary to residential development.

4.4 Commercial District (C)

A. Purpose

1. To establish as a general business and commercial District to which the public requires frequent and convenient access. It is intended to promote concentration of commercial development for the mutual advantage of the public and the merchant.
2. To encourage the location of commercial uses on those lands within the community which are best suited for such development.
3. To provide areas for a variety of commercial uses in a manner appropriate to their location and the economical provisions of essential community services and utilities.

4.5 Industrial District (I)

A. Purpose

1. To establish as an Industrial District in which the principal use of the land is for industrial purposes and for commercial and business uses commonly supplemental to or associated with industrial uses.
2. To provide minimum controls on those uses which, by virtue of their size or external effects (waste discharge, noise, glare, fumes, smoke, dust, odors, or auto, truck, or rail traffic) could otherwise create nuisances or unsafe or unhealthy conditions.

4.6 Rural Farm District (RF)

A. Purpose

1. To establish as a Rural Farm District whereby the principal use of the land is for agriculture, forestry, rural type residence, and customary associated uses.
2. To encourage conservation of natural resources, reduction of soil erosion, and encouragement of appropriate recreational land use.

4.7 Special Aquifer Protection Overlay Zone.

The following overlay zone is intended to maintain safe and healthful environmental conditions; prevent and control groundwater pollution; and to control building sites. The overlay zone shall be superimposed over underlying zones and land uses are subject to **both** the standards in the underlying and the overlay zone.

- A. This Zone includes the Sand and Gravel aquifer, as depicted on the Maine Geological Survey Significant Sand and Gravel Aquifer series and identified on Map 5 of the Mars Hill Comprehensive Plan, as well as, a 500' horizontal distance buffer area around the known boundaries of this aquifer.
- B. No fuel or chemical tanks or other buried toxic or hazardous materials shall be permitted.
- C. No new gasoline service stations shall be permitted.
- D. All future agricultural land uses for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms stables, crop farming, and other agricultural uses shall be subject to the approval of the Planning Board. Such approval shall be granted upon showing that such uses shall not cause groundwater contamination, or contaminate or disturb the normal course of surface water run-off. An acceptable method to demonstrate compliance with this requirement is to submit a management plan to the Planning Board which demonstrates compliance with applicable best management practices procedures adopted by the Maine Department of Environmental Protection.
- E. There shall be no on-site storage of any hazardous or special waste as defined in Title 38 Sec. 1301, Maine solid waste regulations. On-site storage shall mean storage for more than 14 consecutive days.
- F. Junkyards and or Automobile graveyards are prohibited.
- G. Commercial Gravel pits must meet the following provisions:
 1. The total land area disturbed shall be no greater than 2 acres.
 2. No soil material shall be disturbed which lies more than twenty feet below natural grade or within five feet of the seasonal high water table.

4.8 Land Use Permit Table.

All land use activities as indicated in the table below, shall conform to all applicable land use standards contained within this Ordinance. The District designation for a particular site shall be determined from the official Zoning Map.

Key to Land Use Permit Table:

Yes	Allowed
No	Prohibited
CEO	Requires a permit issued by the Code Enforcement Officer
PB	Requires a permit approved by the Planning Board
R-1	Residential District
R-2	Residential District
C	Commercial District
I	Industrial District
RF	Rural Farm District

NO = TOWN'S REVISIONS

YES = CEO
NO? = appropriate use?

Land Use Permit Table

	Land Use and/or Structure	R-1	R-2	C	I	RF
1	Agricultural Product Storage or Processing <i>[or warehouse]</i>	PB	PB	PB	PB	PB YES
2	Agriculture - <i>what kind?</i>	YES	YES	YES	PB	YES
3	Airport	PB	PB NO	NO	PB	PB
4	Amusement Facility	PB	PB	PB	NO	PB NO
5	Antique Sales	PB	PB	NO	NO	PB
6	Art Gallery, Pottery Barn, or Ceramics Studio	PB	PB	PB	NO	PB
7	Auction Barn	PB	PB	PB	NO	PB
8	Automated Teller Machine, Drive-Up	PB	PB	PB	PB	PB
9	Automobile Graveyard	NO	NO	NO	NO	PB
10	Automobile Repair Garage or Fuel Filling Station	NO	NO	PB	PB	PB
11	Bank	PB	PB	PB	NO	PB
12	Bed and Breakfast	PB	PB	PB	NO	PB
13	Boarding House	PB	PB	PB	NO	PB
14	Bottling Works	NO	NO	NO	(PB) YES	PB
15	Building Supplies or Lumber Yard	NO	PB	PB	PB	PB NO
16	Bulk Fuel and Oil Storage/Fuel Terminal, Above Ground	NO	NO	PB	(PB) YES	PB → NO! Tol. not.
17	Business, Medical, or Professional Office	PB	PB	PB	PB	PB →
18	Campground	NO	PB	NO	NO	PB
19	Car Wash, Mobile or Fixed	PB	PB NO	PB	PB	PB
20	Church, Parish House, Rectory, Convent, Religious Institution, or Place of Worship	PB	PB	PB	PB	CEO
21	Clinic or Hospital <i>split these uses?</i>	PB	PB	PB	NO	PB NO
22	Cluster Commercial Development	NO	NO	PB	PB	PB
23	Cluster Light Manufacturing Development	NO	NO	PB	PB	PB NO
24	Cluster Residential Development	PB	PB	NO	NO	PB
25	Commercial Development	NO2	NO2	PB2	PB2	NO2
26	Commercial Greenhouse or Nursery	PB	PB	PB	PB	PB YES
27	Commercial Recreation	PB	PB	PB	PB	PB
28	Community Center	PB	PB	PB	NO	PB
29	Contractor's Equipment or Storage Yard	CEO	CEO	CEO	CEO	CEO
30	Contractor's Plant or Storage Yard	NO	PB	NO	PB	PB
31	Day Care	PB	PB	PB	NO	PB
32	Demolition Waste Disposal	NO	NO	NO	PB	PB
33	Dwelling, Multi-Family/Apartments	PB CEO	NO CEO	NO3	NO	PB
34	Dwelling, Single-Family	PB CEO	CEO	NO	NO	CEO
35	Dwelling, Two-Family (Duplex)	CEO	CEO	NO	NO	CEO
36	Express, Hauling, or Storage Yard	NO	NO	NO	PB	PB
37	Farm Stand for Products Grown on Same Property	YES1 CEO	YES1	NO	NO	YES1 CEO
38	Filling, Grading, Lagooning, Dredging, or Other Earth Moving Activity	NO	NO	NO	PB	PB
39	Funeral Parlor	PB	PB	PB	NO	PB NO
40	Golf Course	NO	NO	NO	NO	PB
41	Government Facility	PB	PB	PB	PB	PB
42	Home Occupation	CEO	PB	CEO	CEO	CEO
43	Hotel, Motel, or Inn	PB	PB	PB	PB OK	PB
44	Industrial Development	NO2	NO2	PB2	PB2	PB2 NO

good

	Land Use and/or Structure	R-1	R-2	C	I	RF
45	Junkyard	NO	NO	NO	NO ??	PB
46	Kennel	NO	PB	NO	PB	PB
47	Library or Museum	PB	PB	PB	PB	NO
48	Livestock and Poultry Raising	NO	NO	NO	NO	YES
49	Lumber Yard or Saw Mill	NO	NO	NO	PB	PB YES
50	Machine Shop	NO	NO	NO	PB YES	PB
51	Manufactured Home	PB	CEO	NO	NO	CEO
52	Manufacturing or Processing or Assembly [non agric.]	NO	NO	NO	PB YES	PB
53	Mineral Exploration	NO	NO	NO	PB	PB
54	Mineral Extraction	NO	NO	NO	PB	PB
55	Mineral Storage	NO	NO	PB	PB	PB
56	Mobile Home Park	NO	PB	NO	NO	PB *
57	Neighborhood Convenience Store	PB	PB	PB	NO	PB
58	Nursing Home, Senior Citizen or Congregate Housing	PB	PB	PB	PB	PB (NO)
59	Park or Playground	PB	PB	NO	NO *	PB
60	Parking Lot or Parking Garage	PB	PB	PB	PB	PB (NO)
61	Pharmacy	PB	PB	PB	PB	PB (NO)
62	Potato Storage Warehouse Fronting on Main Street	-	-	NO	-	-
63	Private Club	PB	PB	PB	PB	PB
64	Public or Private School	PB	PB	PB	PB	PB NO?
65	Public Utility	PB	PB	PB	PB	PB
66	Recycling Collection Point	PB	PB	PB	PB	PB
67	Recycling Facility, Commercial or Municipal	NO	NO	PB	PB YES	PB (NO)
68	Restaurant	PB	PB	PB	PB	PB
69	Retail, Wholesale, and Service Establishment	NO2	NO2	PB2	PB2	PB2
70	Riding Stable	PB	PB	NO	NO	YES
71	Saw Mill	NO	NO	NO	PB	PB YES
72	Second or Third Story Apartment	PB	PB	PB	PB	PB
73	Septage Spreading/Storage	NO	NO	NO	PB	PB
74	Signs	CEO	CEO	YES	YES	CEO
75	Slaughter House	NO	NO	NO	PB	PB
76	Sludge Spreading/Storage	NO	NO	NO	PB	PB
77	Timber Harvesting NOT DEFINED	YES NO	YES NO	YES	YES	YES
78	Trade Shop	NO	NO	PB	PB	NO
79	Veterinary Hospital	NO	NO	PB	PB	PB
80	Warehouse, Wholesale or Storage [NON-AGRIC.]	NO	NO	PB	PB	PB NO?
81	Waste Processing or Disposal Facility	NO	NO	NO	PB	PB NO
	Accessory Use and Structure	CEO	CEO	CEO	CEO	CEO
	Use Similar to Allowed Use	CEO/PB	CEO/PB	CEO/PB	CEO/PB	CEO/PB
	Use Similar to Use Not permitted	NO	NO	NO	NO	NO
	Use Similar to Use Requiring A CEO Permit	CEO	CEO	CEO	CEO	CEO
	Use Similar to Use Requiring a Planning Board Permit	PB	PB	PB	PB	PB

1. Three off-street parking spaces are required.

2. In instances when the land use is more specifically defined in another land use category in the land use table above, that category takes precedence.

3. Apartments are permissible as an accessory use to Commercial structures in accordance with Section 6.11(R) of this Ordinance with a Conditional Land Use Permit.

* see BPR's objections.

why that
yes to hosp.
see
XII-3-4
(4a+4b)
MHPKS AS
land use
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4.9 Dimensional Requirements Table.

All proposed land uses, lots, and structures shall meet or exceed the following minimum dimensional requirements or the District in which the proposed use, lot, or structure is located.

Dimensional Requirements Table

	R-1	R-2	C	I	RF
Minimum Lot Size					
Without sanitary sewer	22500 SF	22500 SF	*	1 acre	1 acre
With sanitary sewer	18750 SF	18750 SF	*	1 acre	1 acre
Minimum Road Frontage					
Without sanitary sewer	150'	150'	40'	150'	150'
With sanitary sewer	125'	125'	40'	150'	125'
Lot Depth					
Depth to width ratio	<5:1	<5:1	N/A	N/A	<5:1
Minimum Yard Dimensions					
Front Setback	(a) 50' or 75'	(a) 50' or 75'	(e) 8'	50'	(a) 50' or 75'
Side Setback - Principal building	15'	15'	5'	25'	15'
Side Setback - Accessory building	(g)10'	(g)10'	(g)10'	(g)10"	(g)10'
Side Setback - Abutting a road	(b) 20'	(b) 20'	(b)20'	(b)20'	(b) 20'
Rear Setback - Principal building	15'	15'	20'	25'	15'
Rear Setback - Accessory building	(g)10'	(g)10'	(g)10'	(g)10'	(g)10'
Rear Setback - Abutting a road	(b) 20'	(b) 20'	(b)20'	(b)20'	(b) 20'
Maximum Lot Coverage by Building					
Principal Use	25%	25%	none	none	25%
Visibility at Corner Lots					
Visibility measured along the intersecting road lines	25'	25'	25'	25'	25' <i>★</i>
Building Height					
Building	(c) 35'	(c) 35'	(f) 40'	(f) 40'	(c) 35'
Features of building and structures (chimneys, towers, ventilators, and spires)	(d) >35'	(d)>35'	(f) >40'	(f) >40'	(d) >35'

- (a) A front yard abutting a public road shall have a minimum depth of 50 feet from the right-of-way line or 75 feet from the center line, whichever distance is greater.
- (b) A side or rear yard requirement applies to principal and accessory structures abutting a public road and/or road.
- (c) No building shall exceed 2 1/2 stories.
- (d) Features of building and structure, such as chimneys, towers, ventilators, and spires may exceed 35 feet in height, but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance.
- (e) Setback is measured from the face of the curb.
- (f) No building in this zone shall exceed 3 stories in height. Features may exceed 40 feet (see ordinance).
- (g) This requirement may be reduced to 5 feet as long as the accessory structure is no closer than 20 feet to any building on adjacent property.

* No minimum lot size required, but all other dimensional requirements shall be met.

*conflict
appeals
see next
pg
+ cpg
15-16*

Section 5 General Performance Standards.

5.1 Access Management.

1. General.

- a. These standards shall apply to vehicular access into a proposed development. In a residential subdivision these accesses may be roads or access to individual lots. In non-residential development the access may be a driveway into a parking lot or a road into the development. If the access to the residential subdivision and the non-residential development is a road, the Mars Hill Road Design and Construction Standards shall be met. Where there is a conflict between standards, the stricter or more stringent shall apply.
- b. Where a lot has frontage on two or more roads, the access to the lot shall be provided to the lot across the frontage and to the road where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
- c. Accessways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any road. Left lane storage capacity shall be provided to meet anticipated demand. A warrant analysis to determine the need for a left-turn storage lane shall be done, if necessary.

2. Sight Distances. Access should be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances should be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curblin or edge of shoulder, with the height of the eye 3.5 feet, to the top of an object 4.5 feet above the pavement. The required sight distances are listed below for various designed speed limits. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

Sight Distances*

Design Speed (MPH)	Minimum** (feet)	Desired*** (feet)
25	175	250
30	210	300
35	245	350
40	280	400
45	315	450

* Required exiting sight distance for a standard passenger vehicle to safely enter onto a 2-lane roadway from a complete stop, allowing approaching vehicles to adjust speed to avoid a collision

** Approximately equivalent to 1.5 times the average stopping distance on wet pavement, 3 percent downgrade, as documented by AASHTO, 1990.

*** Ten times the design speed.

3. Vertical Alignment. Access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. Following this landing area, the steepest grade on the access shall not exceed 8 percent.
4. Design Standards. New access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates should be as defined in the Trip Generation Manual, latest edition, published by the Institute of Transportation Engineers.
 - a. Low Volume Access: Less than 50 vehicle trips per day.
 - b. Medium Volume Access: 50 or more vehicle trips per day.

a. Low Volume Accesses.

1. **Skew Angle.** Low volume access shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as development conditions permit, but in no case less than 75 degrees.
2. **Curb Radius.** The curb radius shall be between 10 feet and 25 feet, with a preferred radius of 20 feet.
3. **Curb-Cut Width.** On a two-way access the curb-cut width shall be between 40 feet and 54 feet with a preferred width of 40 feet.
4. **Access Width.** The width of the access shall be between 20 feet and 24 feet, with a preferred width of 20 feet.

b. Medium Volume Accesses.

1. **Skew Angle.** Medium volume access shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as development conditions permit, but in no case less than 75 degrees.
2. **Curb Radius.** Curb radii will vary depending if the access has one-way or two-way operation. On one-way accesses, the curb radii shall be 30 feet for right turns into and out of the development, with a 5 foot radius on the opposite curb. On a two-way access the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet.
3. **Curb-Cut Width.** On a two-way access the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.
4. **Access Width.** On a two-way access the width shall be between 24 and 30 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 20 feet.

Design Standards

Preferred Dimension in ()

	Skew Angle	Curb Radii	Curb-Cut Width	Access Width
Low Volume Access	90 degrees	10-25' (20')	40-54' (40')	20-24' (20')
Medium Volume Access				
Two-Way Access	90 degrees	25-40' (30')	74-110' (86')	24-26' (26') ¹
One-Way Access	90 degrees	30' for right turns 5' on the opposite	46-70' (51')	16-20' (16')

¹ Where truck traffic is anticipated the width should be no more than 30 feet.

5. Access Location and Spacing.

- a. Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed below based upon access volume and intersection type.

Minimum Standards for Corner Clearance

Driveway Type	Minimum Corner Clearance (feet)	
	Intersection Signalized	Intersection Unsignalized
Low Volume	150	50
Medium Volume	150	50

If based on the above criteria, full access to the site cannot be provided on either the major or minor roads, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

- b. **Access Spacing.** Accesses and road intersections shall be separated from adjacent accesses and property lines as indicated below, in order to allow roads to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line. Where two (2) or more two-way driveways connect a single development to any one (1) road, a minimum clear distance of one hundred (100) feet measured along the right-of-way line shall separate the closest edges of any two (2) such driveways. If one (1) driveway is two-way and one (1) is a one-way driveway, the minimum distance shall be seventy-five (75) feet.

Minimum Access Spacing

Access Type	Minimum Spacing to Property Line (Dpl) ¹ (feet)	Minimum Spacing to Adjacent Access by Access Type ² (Dsp) ³	
		Low (feet)	Medium (feet)
Low Volume	5	-	-
Medium Volume	10	-	75

¹ Dpl measured from point of tangency of driveway to projection of property line on road-way edge.

² For two or more driveways serving a single parcel, or from a proposed driveway from an existing driveway.

³ Dsp measured from point of tangency of driveway to point of tangency of adjacent driveway

* Low volume driveways are not permitted in combination with other driveway types on a single lot.

- c. **Shared Driveways.** No part of any driveway shall be located within a minimum of five (5) feet of a side property line. However the Planning Board may permit a driveway serving two (2) or more adjacent sites to be located on/or within five (5) feet of a side property line between the adjacent sites. Proof of easement shall be provided by the applicant to the Planning Board.
6. **Number of Accesses.**

The maximum number of accesses onto a single road is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.

- a. No low volume traffic generator shall have more than one two-way access onto a single roadway.
- b. No medium volume traffic generator shall have more than two two-way accesses or three accesses in total onto a single roadway.

7. Construction and Materials/Paving.

- a. All accesses entering a curbed road shall be curbed with materials matching the road curbing. Sloped curbing is required around all raised channelization islands or medians.
- b. All commercial and industrial accesses regardless of access volume shall be paved with bituminous concrete pavement within 30 feet of the roadway right-of-way.
- c. Dust control shall be approved by the Code Enforcement Officer prior to being applied and shall be applied at time of construction with either calcium chloride, or an approved alternative, by being mixed with the gravel or sprayed on at completion of the access.
- d. As a means of prolonging the life of a driveway and creating a pervious surface, 4 oz. woven or unwoven stabilization geo-textile may be used, as can properly constructed geo-web and blocks, grass paving rings, or other similar devices approved by the Code Enforcement Officer.

5.2 Agriculture.

- A. All spreading or disposal of manure shall be accomplished in conformance with the "Maine Standards for Manure and Manure Sludge Disposal on Land" published by the University of Maine and Maine Soil and Water Conservation Commission in July 1972 or subsequent revisions thereof.
- B. Where soil is tilled, an untilled filter strip of natural vegetation shall be retained between the tilled ground and the normal high water elevation of any stream or brook. The width of this strip shall vary according to the average slope of the land as follows:

Average Slope of Land Between Tilled Land and Normal High Water Elevation (percent)	Width of Strip Between Tilled Land and Normal High Water Elevation Horizontal Distance
0-4%	50'
5-9%	70'
10-14%	90'
15% and over	110'

- C. Agricultural practices shall be conducted to minimize soil erosion, sedimentation, contamination, and nutrient enrichments of ground and surface waters.
- D. Agricultural practices not in conformance with these standards may be allowed by Conditional Land Use Permit.

5.3 Development in Floodplain Areas.

Any development proposed within the boundaries of special flood hazard areas or 100 year floodplains shall comply with the standards of the Town's Flood Hazard Development Ordinance.

5.4 Drilling, Grading, Lagooning, Dredging, or Other Earth-Moving Activity.

A. General.

The following provisions shall apply to filling, grading, lagooning, dredging, excavating processing and storage of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling grading, lagooning, dredging, and other earth-moving activity which would result in erosion, sedimentation, or impairment of water quality or fish and aquatic life is prohibited.

B. Earth-Moving Not Requiring a Conditional Land Use Permit.

The following earth-moving activity shall be allowed without a Conditional Land Use Permit authorization from the Planning Board.

1. the removal of filling of less than one hundred (100) cubic yards of material from or onto any lot in any one (1) year;
2. the on-site removal or filling of material incidental to construction, alteration or repair of building or in the grading and landscaping incidental thereto; and
3. the on-site removal, filling, or transfer of material incidental to construction, alteration or repair of a public or private way or essential services.

All other earth-moving processing and storage shall require a Conditional Land Use Permit authorized by the Planning Board.

5.5 Electro-Magnetic Interference.

No use, activity, or process shall be conducted which produces electro-magnetic interference in the transmission or reception of electrical impulses beyond the lot lines, including radio and television. In all cases federal, state, and local requirements shall be met.

5.6 Explosive Materials.

No flammable or explosive liquids, solids or gases shall be stored in bulk (more than 500 gallons) above ground unless they are located at least 75 feet from any lot line, or 40 feet for underground storage, and all materials shall be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other applicable federal, state, and local regulations.

5.7 Manufactured Housing and Mobile Home Parks.

- A. All manufactured housing/mobile home units to be relocated within the Town from outside of the Town shall be placed on a permanent foundation, have residential siding, and a pitched roof covered with shingles or other materials approved by the Code Enforcement Officer. These design requirements shall not be applied to prevent relocation of units within the Town constructed prior to June 15, 1976 that were legally sited in Town as of August 4, 1988.
- B. Mobile Home Parks: Mobile home parks must comply with the standards of the Maine Manufactured Housing Board and the standards contained within the Mars Hill Subdivision Ordinance for Mobile Home Parks. Mobile home park applications shall meet the requirements for a residential subdivision, unless otherwise provided in this Ordinance, and shall conform to all applicable state and local laws and regulations. The Town shall require each lot in a mobile home park be provided with the following minimal dimensional requirements:

Dimensional Requirements for Mobile Home Park Lots.

Yard	Public Sewerage	On-Site Sewerage	Centralized Sewerage
Minimum Lot Area	12000 SF	20000 SF	12000 SF
Minimum Lot Width	75'	100'	75'
Front Setback	20'	20'	20'
Side Setback	20'	20'	20'
Rear Setback	15'	15'	15'

1. Minimum Setbacks.
 - a. Structures shall not be located less than 15 feet from any mobile home park individual lot line.

- b. Mobile homes in a mobile home park adjacent to a public road shall be set back from the road a distance equal to the set back requirements for other residential development in that District.
 - c. No mobile home park lot may have direct vehicular access onto a state or Town-maintained road.
 - 2. A 50 foot wide buffer strip shall be provided along all property lines that:
 - a. abut residential land which has a gross density of less than half of that proposed in the mobile home park; or
 - b. abut residential land that is zoned at a density of less than half of that proposed in the mobile home park.
 - c. In addition, no structures, roads, or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the mobile home park.
 - 3. No mobile home park lot may be sold or conveyed unless such lot sold meets the lot size and dimensional requirements of the District in which it is located.
- C. The following standards shall apply to all manufactured housing built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Chapter 70, to be located on an individual lot or in a mobile home park in the Town.

1. Exit Facilities - Exterior Door.

- a. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
- b. Homes shall have a minimum of two (2) exterior doors not less than 12' from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required doors must be accessible from the doorway of each bedroom without traveling more than 35'.
- c. All exterior swinging doors shall provide a minimum of 32" wide by 74" high clear opening. All exterior sliding glass doors shall provide a minimum of 32" wide by 72" high clear opening. Locks shall not require the use of a key from the inside.

2. Exit Facilities - Egress Windows and Devices.

Homes shall have the following emergency egress facilities:

- a. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of NFPA Life Safety Code 101, fourth edition.
- b. The bottom of the window opening shall not be more than 44" above the floor.
- c. Locks, latches, operating handles, tabs, and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54" from the finished floor.

3. Interior Doors.

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

4. Fire Detection Equipment.

- a. At least one operating smoke detector shall be installed in the home in the following locations:
 - 1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door, unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side and bedroom side. Homes having bedroom areas separated by any one or combination of communication

areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.

2. When located in hallways, the detector shall be between the return air intake and the living area.
3. The smoke detector shall not be placed in a location which impairs its effectiveness.
4. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985.
5. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 6" to 12" below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 6" to 12" below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceilings).

5. Flame Spread. (from the NFPA Life Safety Code 101, fourth edition)

- a. Ceiling interior finish shall not have a flame spread rating exceeding 75.
- b. Walls or ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not to exceed 25. Sealants and other trim material 2" or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
- c. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
- d. Kitchen cabinet doors, countertops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not exceeding 200.
- e. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread rating of 200.
- f. No burner of a surface cooking unit shall be closer than 12" horizontal to a window or an exterior door.

6. Kitchen Cabinet Protectors.

- a. The bottom and sides of combustible kitchen cabinets over cooking ranges, to a horizontal distance of 6" from the outside edge of the cooking range, shall be protected with at least 5/16th" thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cook tops shall be protected by a metal hood with not less than a 3" eyebrow projecting horizontally from the cabinet face. The 5/16th" thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8th" enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
- b. The metal hood shall not be required if there is an oven installed between the cabinet and the range.
- c. Ranges shall have a vertical clearance above the cooking top of not less than 24" to the bottom of combustible cabinets.

7. Carpeting.

Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

8. Roof Loads.

All homes with roofs added after construction shall require a Maine Registered Professional Engineer to inspect the roof to determine that the roof can withhold seventy (70) pounds per square foot.

9. Heating and Fuel Burning System.

A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 Installation of Oil Burning Equipment as adopted by the Board, or other applicable standards.

10. Electrical System.

A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the requirements of the National Electrical Code in affect at the time the home was constructed.

5.8 Off- Street Parking and Loading.

A. Off-Street Parking and Loading.

The proposed development shall provide for adequate parking and vehicle circulation. A copy of the proposed network shall be provided to the appropriate Town authority(s) for timely review and comment. The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles throughout the site.

1. General.

- a. A permitted use in any District shall not be extended, and no structure shall be constructed or enlarged, unless off-street automobile parking space is provided in accordance with the requirements contained within this Ordinance.
- b. All parking spaces shall be 9 feet x 19 feet.
- c. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the road.
- d. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility. The joint use of a parking facility by two or more principal buildings or uses may be approved as an administrative appeal by the Board of Appeals where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees on such establishments.
- e. Parking spaces shall be provided as required and made available for use prior to the issuance of the Certificate of Occupancy.
- f. Accessways shall be designed to follow the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, delivery, and collection services.
- g. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycleways and traffic controls.

2. Additional Requirements for Commercial and Industrial Establishments.

- a. Access points from a public road shall be so located as to minimize traffic congestion and to avoid generating traffic on local access roads of a primarily residential character.

- b. All parking areas, driveways, and other areas serving ten (10) or more vehicles shall be paved with bituminous concrete or an equivalent surfacing over a gravel sub-base at least 6" in thickness, and shall have appropriate bumper or wheel guards where needed.
- c. All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above road level for a distance of 25 feet measured along the intersecting driveway and road lines in order to provide visibility for entering and leaving vehicles.
- d. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any municipal way.
- e. The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations, and changes of use:
 - 1. Retail, office, consumer services, wholesale, warehouse, and industrial operations with a gross floor area of more than 5,000 SF require the following:

5,001	to	20,000 SF	1 bay
20,001	to	50,000 SF	2 bays
50,001	to	100,000 SF	3 bays
100,001	to	150,000 SF	4 bays
150,001	to	300,000 SF	5 bays
 - 2. Each 150,000 SF over 300,000 SF requires (1) additional bay. No loading docks shall be located to face any road frontage. Provision for handling all freight shall be on those sides of any buildings which do not face on any road or proposed roads.
- f. Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public road, except as specifically authorized in this Ordinance.

3. **Parking Lot Design Criteria.** (except for single-family and duplex residential use)

- a. Vehicular Entrance and Exit.
 - 1. Entrances and exists should be clearly identified by the use of signs, curb cuts, and landscaping.
 - 2. Entrance/exit design shall be in conformance with the standards contained within this Ordinance.
- b. Interior Vehicular Circulation.
 - 1. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.
 - 2. Access to parking stalls should not be from major interior travel lanes and shall not be immediately accessible from any public way.
 - 3. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
 - 4. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
 - 5. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.

6. Entrance/exits shall be designed to allow adequate stacking of vehicles without blocking interior vehicle circulation lanes.
7. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards.
8. **Aisle Width and Parking Angle.** The width of all aisles and parking angles providing direct access to individual parking stalls shall be in accordance with the requirements below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

Parking Angle and Aisle Width

Parking Angle (degrees)	Aisle Width (feet)
0 (parallel parking)	12
30	12
45	13
60	18
90 (perpendicular parking)	25

9. Parking areas shall meet the shoreline setback requirements for structures for the District in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Business and Industrial Districts, may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
 10. Parking areas in the shoreland areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
 11. In paved parking areas painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width. Where double lines are used, they should be separated a minimum of 12" on center.
 12. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate traffic flow.
 13. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.
4. **Required Parking Spaces.**
- a. Parking spaces shall be provided to conform with the number required in the following schedule:

<u>Activity</u>	<u>Minimum Required Parking</u>
Residential	
with 2 or more bedrooms	2 spaces per dwelling unit.
with 1 bedroom	1.5 spaces per dwelling unit.
Elderly Housing	1 space per dwelling unit.
Tourist home, boarding or lodging house, motel, hotel, inn	1 space per room/unit rental and for each employee on the largest shift.
Church	1 space per three seats based upon max. seating capacity.

Schools	
Primary	1.5 spaces per classroom.
Secondary	8 spaces per classroom.
Post-Secondary	1 space for each student and 1 space for each faculty and staff member.
Child Care Facility	1 space for every 4 children facility is licensed to care for.
Private Clubs or Lodges	1 space per every seventy-five (75) SF of floor space.
Theatre, Auditorium, Public Assembly Areas	1 space per three seats based upon max. seating capacity.
Funeral Homes	1 space for every 100 SF of floor space.
Medical Care Facilities	1 space for every three (3) beds and every two (2) employees on the maximum working shift.
Offices, Banks	1 space for every 150 SF of floor space.
Medical Offices (MD's, OD's)	10 spaces for each doctor, dentist, or other medical practitioner.
Veterinarian Clinic, Kennel	5 spaces/veterinarian.
Retail and Service Businesses	1 space for every 150 SF of floor space.
Barber/Beauty Shop	4 spaces/chair.
Restaurant	1 space per three seats based upon max. seating capacity.
Industrial Businesses	1 space/employee on the maximum working shift.
Warehouse, Wholesale	1 space/500 SF floor area business.
Flea Market	3 spaces/table.
Mixed Use	Total of individual uses.
Automobile Repair Garage and Repair Gasoline Filling Stations	5 spaces for each bay or area used for work.
Library, Museum, Art Gallery	1 space for each 150 SF of floor space.
Commercial Recreation Facility,	1 space for each 100 SF of floor fitness area
Motor Vehicle Sales	1 space reserved for customers per thirty vehicles displayed on the lot.

Notes

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces shall be required if these prove to be inadequate.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

5.9 Road Design and Construction Standards.

A. General Requirements.

1. The Planning Board shall not approve any development unless proposed roads are designed in accordance with the specifications contained herein. Approval of the final plan by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the Town of Mars Hill of any road or easement.
2. Applicants shall submit to the Planning Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed roads and existing roads within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet (1"=50'). The vertical scale of the profile shall be one inch equals no more than five feet (1"=5'). The plans shall include the following information:
 - a. Date, scale, and North point, indicating, magnetic or true.
 - b. Intersections of the proposed road with existing roads.
 - c. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
 - d. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 - e. Complete curve data shall be indicated for all horizontal and vertical curves.
 - f. Turning radii at all intersections.
 - g. Centerline gradients.
 - h. Size, type, and locations of all existing and proposed overhead and underground utilities, to include but not be limited to electricity, telephone, lighting, and cable television.

3. Upon receipt of plans for a proposed public road the Planning Board shall forward one copy to each Selectmen and the highway foreman for review and comment. Plans for roads which are not proposed to be accepted by the Town shall be sent to the highway foreman for review and comment.
4. Where the applicant proposes improvements within existing public roads, the proposed design and construction details shall be approved in writing by the highway foreman or the Maine Department of Transportation, as appropriate.
5. Where the development roads are to remain private roads, the following words shall appear on the recorded plan.

"All roads in this development shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town of Mars Hill, until they meet the Mars Hill Road Design and Construction Standards."

6. Where topographic and other site conditions allow, provision shall be made for road connections to adjoining lots of similar existing or potential use within areas of the Town designated as growth areas in the comprehensive plan; or in non- residential development when such access shall:
 - a. Facilitate fire protection services as approved by the Fire Chief; or
 - b. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public road.

7. Site Conditions.

- a. During construction, the development shall be maintained and left each day in a safe and sanitary manner. The roads shall be regularly sprayed to control dust from construction activity.
 - b. Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.
8. Curbs. Curbs shall be installed within all subdivisions, at the discretion of the Planning Board. Granite curbing shall be installed on a thoroughly compacted gravel base of six (6) inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.
9. Sidewalks. Sidewalks shall be installed within all developments within the designated growth area in the comprehensive plan. Where sidewalks exist adjacent to a proposed development outside of the growth area, sidewalks shall be installed connecting to existing sidewalks. Where installed, sidewalks shall meet these minimum requirements.

1. Location. Sidewalks shall be located a minimum of five (5) feet from the curb facing or edge of shoulder if the road is not curbed.

2. Bituminous Sidewalks.

- a. The "subbase" aggregate course shall be no less than twelve (12) inches thick after compaction.
- b. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in one (1) lift no less than two (2) inches thick after compaction.

3. Portland Cement Concrete Sidewalks.

- a. The "subbase" aggregate course shall be no less than twelve (12) inches thick after compaction.
- b. The Portland Cement concrete shall be reinforced with six (6) inch square, W 2.0 wire mesh and shall be no less than four (4) inches thick.

10. Road Names and Signs.

Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Town, and shall be subject to the approval of the Planning Board. No road name shall be the common given name of a person. The developer shall reimburse the Town for the costs of installing road name, traffic safety, and control signs.

B. Road Design Standards.

1. These design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the road, and shall be met by all roads within a development, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice.
2. Reserve strips controlling access to roads shall be prohibited except where their control is definitely placed with the Town.
3. Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads contained herein), or when the development indicates plans for realignment or widening of a road that would require use of some of the land in the development, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." When such widening or realignment is included in the Town's Capital Investment Plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the Town or state.
4. The following road design and construction standards shall apply according to road classification:

Mars Hill Road Design and Construction Standards

	Collector	Residential Local	Private
a. minimum width of ROW	50'	50'	50'
b. minimum paved width	24'	20'	18'
c. minimum shoulder width (each side)	4'	4'	3'
d. curbing (if required)	vertical	vertical	none
e. curb reveal	7"	7"	-
f. minimum roadway grade	0.5%	0.5%	0.5%
g. maximum roadway grade	6.0%	8.0%	8.0%
h. maximum shoulder grade	-	5.0%	-
i. drainage ditch angle ratio: (maximum)			
shoulder to ditch bottom	3:1	3:1	3:1
ditch bottom to ROW	2:1	2:1	2:1
j. minimum distance ditch bottom to sub-base bottom	12"	12"	12"
k. maximum grade intersections	3% within 75 feet of the intersection		
l. minimum angle intersections (degrees)	90	75	75
m. minimum center line radii on curves	280'	280'	175'
n. minimum tangent length between reverse curves	200'	100'	100'
o. minimum sidewalk; width	5'	5'	-
bituminous surface	2"	2"	2"
crushed base course	2"	2"	2"
gravel sub-base course	12"	12"	12"
Portland cement concrete			
reinforced with 6" square #10-wire mesh	4"	4"	4"
sand base if cement used	6"	6"	6"
p. minimum road base: (after compaction)			
aggregate subbase (max. size stone 6")	24"	24"	24"
crushed aggregate base (if necessary),	3"	3"	3"
q. hot bituminous pavement:			
surface course	1.00"	0.75"	0.75"
base course	1.75"	1.75"	1.75"
r. minimum road crown	0.25":1'	0.25":1'	0.50":1'
s. property line radii (intersections)	10'	10'	10'
t. curb radii intersections	30'	20'	-
u. minimum distances between intersections:			
same side	400'	300'	300'
opposite sides	250'	200'	200'

5. The centerline of the roadway shall be the centerline of the right-of-way.

6. Dead End Roads. In addition to the design and construction standards above, dead-end roads shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii:

Property line:	60 ft.;
Outer edge of pavement:	50 ft.; and
Inner edge of pavement:	30 ft.

Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Planning Board may require the reservation of a twenty (20) foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Planning Board may

also require the reservation of a fifty (50) foot easement in line with the road to provide continuation of the road where future subdivision is possible.

7. Grades and Intersections.

- a. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
- b. All changes in grade shall be connected by vertical curves in order to provide the sight distances contained in Sight Distances, above.
- c. Cross (four-cornered) road intersections shall be avoided insofar as possible or at other important traffic intersections. A minimum distance of 125' feet shall be maintained between centerlines of residential/local roads and 200' feet between collectors or a collector and minor road.

C. Road Construction Standards.

1. The minimum thickness of material shall meet the specifications in the table below, after compaction.

Road Materials	Minimum Requirements		
	Collector	Residential	Private
Aggregate Sub-base Course (Max. sized stone 4")			
Without base gravel	24"	24"	15"
With base gravel	20"	18"	12"
Crushed Aggregate Base Course	3"	3"	3"
Hot Bituminous Pavement			
Total Thickness	3.00"	3.00"	N/A
Surface Course	1.25"	1.25"	N/A
Base Course	1.75"	1.75"	N/A
Surface Gravel	N/A	N/A	3"

2. Preparation.

- a. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty (50) foot intervals.
- b. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainageways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps shall be removed from the cleared area.
- c. All organic materials or other deleterious material shall be removed to a depth of two (2) feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two (2) feet below the subgrade of the roadway. On soils which have been identified as not suitable for roadways, either the subsoil shall be removed from the road site to a depth of two (2) feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a MDOT approved stabilization geotextile may be used.
- d. Except in a ledge cut, side slopes shall be no steeper than a slope of three (3) feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than four (4) feet vertical to one foot horizontal is permitted.

e. All underground utilities shall be installed prior to paving to avoid cuts in the pavement.

3. Bases and Pavement.

a. Bases/Subbase.

1. The aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading requirements:

Percentage by Weight Passing

Sieve Designation	Square Mesh Sieves
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding four (4) inches in any dimension.

2. If the aggregate subbase course is found to be not fine-gradeable because of larger stones, then a minimum of three (3) inches of aggregate base course shall be placed on top of the subbase course. The aggregate base course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Percentage by Weight Passing

Sieve Designation	Square Mesh Sieves
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock exceeding two (2) inches in any dimension.

b. Pavement Joints.

Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

c. Pavements.

1. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8 percent and 6.0 percent by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to paved is not frozen or unreasonably wet.

2. Minimum standards for the surface layer of pavement shall be the MDOT specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8 percent and 7.0 percent by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

d. Surface Gravel.

Private rights-of-ways need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate subbase, shall have no stones larger than two (2) inches in size, and meet the following gradation:

Percentage by Weight Passing

Sieve Designation	Square Mesh Sieves
2 inch	95-100%
1/2 inch	30-65%
No. 200	7-12%

5.10 Sanitary Provisions.

A. Purpose.

To promote health, safety and general welfare, and to protect ground and surface waters and public and private water supplies from contamination or nutrient enrichment, the following provisions shall be applicable to the installation of sanitary waste disposal facilities in all Districts.

B. Connection to Public Facilities.

All plumbing shall be connected to public collection and treatment facilities when such facilities are available.

C. Subsurface Sewage Disposal.

1. Sewage disposal system shall meet all the requirements of the State of Maine Plumbing Code, Part 2, for private Sewerage Disposal Regulation, 1974 as amended, published by the Department of Health & Welfare, Bureau of Health, Division of Health Engineering.
2. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

5.11 Signs.

A. General

The following provisions shall apply to signs and billboards in all Districts where permitted.

1. No sign shall be illuminated with flashing, moving, or animated-type lights.
2. There shall be no moving signs or signs with moving parts.
3. No sign (off-premise) shall be located off the lot on which the related services are located, except for directional, governmental, religious, political, or traffic signs.

B. Size, Location, and Illumination.

No sign shall be erected adjacent to any public way in such a manner as to distract motorists, obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording the sign may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or otherwise constitute a hazard to pedestrian or vehicular traffic.

C. Types of Signs.

1. Signs in or within 300 feet of the R-1, R-2, or RF Districts, shall be illuminated only by direct white light.
2. Public traffic and directional signs and signs designating public or semi-public activities shall be permitted.
3. Name signs shall be permitted, provided such signs shall not exceed 12 SF in area, and shall not exceed two signs per premises.
4. Residential users may erect a single sign no larger than 3 SF in area, and shall not exceed two signs per premises. One non-illuminated sign used in conjunction with a permitted home occupation may be erected as long as it is no larger than nine (9) SF.
5. Signs relating to trespassing and hunting shall be permitted without restriction as to number, provided that no such sign shall exceed two (2) SF in area.
6. Signs relating to goods and services sold on the premises shall be permitted, and shall not exceed two (2) signs per premises or twelve (12) SF in area.
7. Illumination of signs in residential Districts shall only be direct white light.
8. All signs shall be properly maintained and kept. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, product sold, activity or campaign being conducted shall be removed by the owner, agent, or person having the beneficial use of the building structure, or lot upon which such sign may be found within (10) days after written notification from the Code Enforcement Officer and, upon failure to comply with such notice within the time specified in such order, the Code Enforcement Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or lot to which such sign is attached.

D. Temporary Signs for Special Events.

Temporary signs for special events may be posted upon written permit from the Code Enforcement Officer. The Code Enforcement Officer shall only grant such a permit after presentation of evidence that the authorities controlling the proposed location of the sign have approved its posting. A temporary sign shall be posted for a period not to exceed twenty (20) days. The applicant shall remove said signs upon termination of the permit. Street banners shall be not be larger than two (2) feet in height and fifty (50) SF in area. Permits for hanging street banners across a public way shall be issued only upon the indication to the Code Enforcement Officer of complete liability in writing by the person, firm, or corporation hanging the banner for any damage resulting from the placement of said banner. Such liability shall be acknowledged upon the application for the permit. No temporary sign, other than a street banner, shall be larger than six (6) SF per side.

5.12 Solar Access.

No new land use may restrict or effectively prohibit solar access to any existing structure on the same lot or in abutting properties. For the purpose of this subsection, solar access is a property owner's right to have sunlight shine on their property and structures.

5.13 Storage of Materials.

All materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin. This shall be accomplished by enclosures in containers, raising materials above, separation of material, prevention of stagnant water, extermination procedures or other means.

5.14 Timber Harvesting.

Harvesting operations shall be conducted in accordance with state regulation and in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent erosion and sedimentation of surface waters.

5.15 Vegetative Cutting.

In all Districts, clearing of trees and conversion to other vegetation is allowed for approved construction and landscaping. Clearing for agriculture shall conform to the standards for agriculture of this Ordinance. Where natural vegetation is removed, it shall be replaced with other vegetation that is equally effective in retarding erosion and preserving natural beauty.

5.16 Water Quality Protection.

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, obnoxiousness, toxicity or temperature that run off, 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 harmful to human, animal, plant, or aquatic life.

Section 6 Site Design Review.

The following standards shall be utilized by the Planning Board in reviewing applications for a conditional land use permit. The standards are not intended to discourage creativity, invention, or innovation. The Planning Board may waive standards set forth in this Section upon a determination by that the standards are not applicable to the proposed land use or upon a determination by the that the application of these criteria are not necessary to carry out the intent of this Ordinance. The Planning Board shall approve the application, unless the plan does not meet one or more of the following standards, or other applicable requirements of this Ordinance.

6.1 Purposes.

The purposes of this Section are:

- A. To provide for the Town review of projects that could impact on the environment and the community;
- B. To promote and protect the health, welfare, and safety of the residents;
- C. To provide local protection from those particular nuisances which are not governed by State law or regulation;
- D. To balance the rights of landowners to use their land with the corresponding right of abutting or neighboring landowners to live without undue disturbance from nuisances such as noise, smoke, dust, odor, glare, traffic, stormwater runoff, or the pollution of ground or surface waters;
- E. To reduce the off-site problems associated with development, thereby decreasing the cost of maintaining or improving Town services;
- F. To conserve's the Town's natural beauty and visual character by ensuring that structures, signs, and other improvements and uses of land are sited and developed with due regard to the aesthetic qualities of the natural terrain and that proper attention is given to exterior appearances of structures, signs, other improvements, and uses of land; and
- G. To implement the policies and strategies of the comprehensive plan.

6.2 Applicability.

- A. Site Design Review by the Planning Board, in conformity with the criteria and standards of this Ordinance, shall be required for the following:
 - 1. Any use considered by the Planning Board, on the written determination of the Code Enforcement Officer, as requiring a Conditional Land Use Permit; or
 - 2. A change in use when the new use is subject to Site Design Review.

Not withstanding the above:

- 1. Single-family and two-family (duplex) residential dwelling development, including their basement excavations, are exempt from the requirements of this Ordinance.
- 2. In addition, the following activities are exempt: repairs, replacement, and/or normal maintenance not requiring structural elements, decorative changes in existing structures or buildings, provided that the activity is in conformance with federal, state, and/or local laws and does not involve any other physical modifications or changes requiring a permit under this Ordinance.

6.3 Application Requirements.

- A. Concept Site Design Plan.

1. The Planning Board may review applications as concept site design plans. These are applications that do not meet the final plan requirements. The information may be presented in a sketch plan or non-engineered graphic format.

Note: Should it become evident during this preliminary review that professionally prepared submissions are necessary, the applicant should have a consultant present so that the parties can gain a mutual understanding of expected submissions.

2. The concept plan applications shall include the following information:

- a. Name and address of the owner of record and developer (if different);
- b. Name of the proposed development;
- c. Names and addresses of all property owners within 500 feet of the edge of the property line and others indicated by the Planning Board as being impacted;
- d. Names and addresses of all consultants working on the project;
- e. Graphic scale and north arrow;
- f. A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant;
- g. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions;
- h. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who will prepare the detailed information with the final plan;
- i. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time;
- j. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines;
- k. Location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around area dimensions;
- l. Location and names of roads and rights-of-way within and within 200' adjacent to the proposed development;
- m. Estimated proposed finish grades and graphic arrows indicating the direction of storm water runoff;
- n. Conceptual treatment of on and off site storm water management facilities;
- o. Location and sizes of existing and proposed sewer and water services including connections;
- p. Conceptual design and location of landscaping buffers, screens, and plantings;
- q. Location of outdoor storage areas and lighting fixtures, fences, signs, advertising features, and solid waste receptacles;
- r. Context map illustrating the area within 500 feet of the site which will be affected by the proposal including all roads, sidewalks, intersections, storm water drainage ways, sanitary sewer lines and pump stations, nearby properties and buildings, zone districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan; and
- s. Project Description: The project description is to describe the proposed land uses and the anticipated gallons per day of waste water, the number of vehicles entering and leaving the site during the day (and at peak traffic hours), the increased amount of storm water runoff, and the rate of the storm water runoff of the post-development site associated with those land uses.

B. Final Site Design Plan.

1. The final application shall consist of five (5) copies of the required information. The applications are to be submitted to the Code Enforcement Officer no later than ten (10) days prior to the meeting at which the item is to be heard.
2. The final site design plan application shall include all information required above and in addition shall require the following information:
 - a. Boundary Survey: Prepared by a licensed Maine surveyor indicating the boundaries, encumbrances, and topography of the site.

- b. Storm Water Management Plan: Prepared by a Maine licensed professional engineer analyzing the proposal's impact on existing storm water facilities and watersheds. The storm water management plan shall include a map of all watersheds significantly impacted by the proposal and identify all areas of existing or anticipated flooding, locations of existing and proposed culverts, pipes, detention ponds, and flow restrictions to be affected by the proposal. The storm water management plan shall comply with the review criteria found in this Ordinance.
- c. Finish Grading Plan: Prepared by a Maine licensed professional engineer or landscape architect indicating the final grading of the site, the amount of fill to be imported to or exported from the site, and graphic arrows indicating the direction of storm water run off.
- d. Site Improvement Details: Including sufficient information to enable the creation of an itemized cost estimate for all required on/or off site improvements.
- e. Building Elevations: Scale plans of exterior building surfaces including materials, doorways, and advertising features
- f. General topography of the site.
- g. High intensity soils classifications of the soils located on the site.
- h. Additional Information: Additional information as deemed necessary to review the proposal's conformance with the site design review criteria and technical standards. Additional information may address items such as, but not be limited to, traffic, wetlands, high intensity soils, environmental analyses, or the interpretation of the data by Town consultants.

C. Waiver of Required Information.

The Planning Board may waive the submittal of required application materials for developments upon finding that the specific information is unnecessary in order to review the application's conformance with this Ordinance.

6.4 Advertising Features.

The size, location, design, color, texture, material, and lighting of all permanent signs and outdoor lighting fixtures shall be harmonious with the design of proposed buildings or neighboring properties.

6.5 Emergency Vehicle Access.

All conditional land use permit applications shall be reviewed for comment by the Fire Chief and the Road Commissioner. Any comments shall be considered by the Planning Board in their review of the development. The proposed development shall be located and designed in such a way as to provide and maintain convenient and safe access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate safety features as part of the proposed development.

6.6 Erosion and Sedimentation Control .

The proposed development includes adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, water courses, or lowlands by virtue of soil erosion or sedimentation. The erosion control measures are to be in conformance with the most current standards of the Maine Soil and Water Conservation Commission. A copy of the application shall be provided to the local office of the Soil Conservation Service for timely review and comment. The following measures shall be included where applicable as part of any site design review and approval.

- A. Stripping of vegetation, regarding or other development shall be done in such a way as to minimize erosion.
- B. Development shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with the topography so as to create the least amount of erosion potential, and so as to adequately handle surface water run-off.

- C. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
- D. Disturbed soils shall be stabilized as quickly as practical.
- E. Temporary vegetation, mulching, or other acceptable measures shall be used to protect exposed critical areas during development.
- F. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
- G. Until the disturbed area is stabilized, sediment in the run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable measures.
- H. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses, and to repair any damage at their expense as quickly as possible.
- I. Any activity on a stream, watercourse, or swale or upon a floodway or right-of-way shall comply with the local shoreland zoning ordinance and the State's Natural Resources Protection Act, Title 38 MRSA, Sections 480A-480S. Any such activity shall be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway, or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.
- J. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

6.7 Existing Vegetation.

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing to the greatest extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter, soils, and significant vegetation buffers. If a site includes a ridge or ridges above the surrounding areas and provides for scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving natural qualities.

6.8 Open Space.

- A. Common open space shall be contiguous, where possible.
- B. Common open space as shown on any approved development plan shall contain a notation that common open space areas shall not be further developed for any other use.
- C. When reviewing the location and type of open space designated in an application, the Planning Board shall require:
- D. Individual lots, buildings, roads, and parking areas shall be designed and situated:
 - 1. to minimize alterations of the natural site;
 - 2. to avoid the adverse effects of shadows, noise, and traffic on the residents of the site; and
 - 3. to relate to the surrounding properties, to improve the view from and of buildings.
- E. Diversity and originality in lot layout and individual building, road, parking, and lot layout shall be encouraged.
- F. Open space shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
- G. Open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the site.

6.9 Site Conditions.

- A. During construction, the site shall be maintained and left each day in a safe and sanitary manner. The site area shall be regularly sprayed to control dust from construction activity if dust is generated to the extent that it drifts onto adjacent properties.
- B. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon request and to the satisfaction of the Code Enforcement Officer.
- C. No changes in elevation shall be made of any lot or site by the removal of earth to another lot or site other than as shown on an approved site design plan. Minimal changes in elevations or contours, necessitated by field conditions such as ledge outcrops, may be made only after approval has been obtained from the Code Enforcement Officer.

6.10 Stormwater Management.

The plan provides for adequate stormwater management facilities so that the post development runoff rate will be no greater than the predevelopment rate, the removal of stormwater will not adversely affect neighboring properties, and that there is no adverse downstream impact. Proposed stormwater detention facilities and calculations shall provide for the control of twenty-five year storm frequency rates. On-site absorption shall be utilized to minimize discharges whenever possible. The design, construction, and maintenance of private facilities shall not be anticipated to cause the expenditure of additional Town resources for maintenance of private stormwater management facilities. Maintenance responsibilities shall be reviewed to determine their adequacy. Emphasis shall be placed on the protection of floodplains and wetlands; preservation of stream corridors; establishment of drainage rights-of-way; and the adequacy of the existing system; and the need for improvements, both on and off site, to adequately control the rate, volume, and velocity of storm drainage. A copy of the application shall be provided to the local office of the Soil Conservation Service for timely review and comment.

6.11 Utilities.

Utilities such as natural gas, propane, electric, telephone, and cable TV services located above ground shall not be located in a conspicuous manner regarding view or be hazardous to the public and abutting properties. They shall be landscaped, located in close proximity to existing vegetation, or otherwise buffered so as to screen the components from public view. The underground placement of utilities is encouraged.

6.12 Waste Disposal.

The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes. A copy of the application shall be provided to the solid waste coordinator for timely review and comment.

- A. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
- B. All hazardous and special waste shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.

6.13 Technical Review Standards.

The following technical standards shall apply to all site designs in conjunction with a conditional land use permit application, provided, where the Planning Board finds that due to special circumstances of a particular application, required standards which are not applicable or requisite in the interest of public health, safety, and general welfare, may waive such requirements, subject to appropriate conditions.

A. Access to Property.

Property proposed for development shall be provided with vehicular access to the property from abutting public or private ways or roads design and constructed to meet the requirements contained within Section 5 of this Ordinance.

Private rights-of-way shall be protected by permanent easements. The minimum driveway locational distances for non-conforming lots of record in all Districts except the RF District shall be met to the greatest practical extent as determined by the Planning Board. In determining greatest practical extent the Board shall consider the configuration of the lot, its relationship to other properties, the road, and the use of mitigating safety factors such as highway signs. Locational distances in the RF District must be met unless a variance is granted.

B. Amusement Facility.

All amusement facilities shall meet the provisions below:

1. There shall be provided adequate off-street parking for the anticipated maximum attendance.
2. Containers and facilities for rubbish collection and removal shall be provided and maintained.
3. Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke, and visual impact.
4. The proposed use shall not create a traffic hazard. The Road Commissioner shall review the location and site design and provide its comments to the Planning Board.

C. Animal Husbandry.

Where permitted, animal husbandry shall meet the following standards:

1. Uncovered manure shall be kept 150 feet from the nearest dwelling unit and 300 feet from any well, other than the applicant's, and from any stream or brook -- or wetland or water body under the jurisdiction of the Shoreland Zoning Ordinance.
2. All paddocks, pasture areas, barnyards, or other enclosures must be adequately fenced to contain livestock, animals, or fowl.

D. Apartments Accessory to Commercial Use.

1. Purpose. The purpose of these standards is to allow the development of residential dwelling units as an accessory use in commercial structures while ensuring a suitable residential environment.
2. General Requirements. The Planning Board may allow up two (2) residential dwelling units, without subdivision approval, in a commercial structure provided the following are met:
 - a. The residential dwelling units shall be clearly incidental to the principal commercial nature of the structure.
 - b. Each dwelling unit shall be provided with an outdoor yard space 500 SF per unit adjacent to the unit.
 - c. Each dwelling unit shall be provided two (2) off-street parking spaces separate from customer parking.
 - d. access to and from each dwelling unit shall be provided by means other than through the commercial floor area.
 - e. Residential floor area on the first floor of a principal structure is allowed only within the rear of the structure. The rear is the portion of the floor area the furthest distance from Main Street. Floor area devoted to residential use on the first floor may be no greater than 25 percent of the total square footage on the first floor.

E. Automobile Graveyards and Junkyards.

1. Administration.

- a. No automobile graveyard or junkyard conditional land use permit shall be issued by the Planning Board unless the provisions of this Ordinance are complied with. The Planning Board may attach reasonable conditions to any permit issued to insure compliance with the performance standards and other requirements of this Ordinance.
- b. In accordance with MRSA 30-A §3751 et. seg., permits shall be renewed annually by the Town Council to remain valid. Once the original conditional land use permit is approved by the Planning Board it does not have to be resubmitted annually for Planning Board review unless there is an expansion of use. The Town officers or their designee such as the Code Enforcement Officer, shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this Ordinance and state law are complied with.
- c. An annual fee established by the Town of \$50 shall be submitted with the permit application, plus the cost of posting and publishing the notice of public hearing required below.
- d. The Town may require that an escrow account of \$500 be established by the applicant in the name of the "Town" for the purposes of obtaining independent verification of application data, if necessary. If the balance in the account shall be drawn down by 75 percent, the Town shall notify the applicant and require that the account balance be reestablished by the applicant to the escrow account's indicated amount. The Town shall continue to notify the applicant and require additional payments into the account, as necessary. Any balance remaining in the account after final determination has been made, shall be returned to the applicant.
- e. Upon receipt of a final application, the Planning Board shall hold a public hearing in accordance with Title 30-A, MRSA, Section 3754.

2. Requirements for New Automobile Graveyards and Junkyards.

- a. Permit Required: No person may establish, operate, or maintain an automobile graveyard or junkyard without first obtaining a nontransferable conditional land use permit from the Planning Board. At the time of filing an application for a permit under this Ordinance, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from the DEP stating that a permit is not required.
- b. Submission Requirements: Any application for an automobile graveyard or junkyard conditional land use permit shall contain the following information on a site design drawn to a scale not to exceed 1" = 100':
 - the boundary lines of the property;
 - the exact location of any existing and proposed junkyard or automobile graveyard and their distances to nearby roads and property lines;
 - the soils as reflected from a high intensity soils survey;
 - the location of on-site septic system(s) and drinking water supplies;
 - topographic contours at intervals of 10';
 - the location of any sand and gravel aquifer or aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist;
 - the location of any residences, schools, churches, cemeteries, public parks, beaches, and playgrounds within 500 feet of the area where cars or junk will be placed;
 - the location of any waterbodies or inland wetlands areas on the property and/or within 200 feet of the property lines;
 - the boundaries of any 100-year floodplain;
 - the location of all roads within 1000' of the site;
 - names and addresses of all abutting or impacted property owners, as determined by the Planning Board;
 - name(s) and address(es) of the person(s) or entity(ies) who will operate the site; and
 - height and material used in any existing and proposed screening.

3. Performance Standards for all Automobile Graveyards and Junkyards.

The following performance standards shall be required of all automobile graveyards and junkyards, whether new or "illegal":

- a. The junkyard or automobile graveyard must be screened from ordinary view from any road, as required by statute. The site of the automobile graveyard or junkyard shall have an effective visual screen no less than six (6) feet in height, and be built in accordance to the Maine Department of Transportation's rules issued pursuant to Title 30-A, MRSA, Section 3759. A plan for visual screening shall be submitted to the Planning Board for approval in conjunction with the application for a permit.
- b. No vehicle or junk shall be stored within 300 feet of any waterbody or inland wetland.
- c. No vehicle or junk shall be stored within 500 feet of any (residences), private well, school, church, cemetery, public playground, public beach, or public park.
- d. No vehicles or junk shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.
- e. No vehicles or junk shall be stored within the 100-year flood plain.
- f. Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid, and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle or junk shall be permitted into or onto the ground.
- g. There will be no disposal or release to the environment of any solid, special, or hazardous wastes;
- h. There will be no open burning of any substances;
- i. All vehicles or junk shall be located no closer than 100 feet from all property lines.
- j. To reduce noise, all dismantling, crushing, and other activities shall be done between 7 AM and 9 PM, Mondays through Saturdays.
- k. All federal and state hazardous waste laws and regulations shall be complied with.
- l. In all instances the burden of proof shall be upon the applicant for the permit.

4. Illegal Automobile Graveyards and Junkyards.

For purposes of this section of the Ordinance the words "Non-Conforming" and "Grandfathered" can not be used, since these uses can not be protected under state law with respect to junkyards and automobile graveyards. They are therefore considered to be "illegal".

- a. Any illegal automobile graveyard or junkyard in existence on the date of adoption this Ordinance is enacted, may remain in operation on the current parcel of land, providing it meets all pertinent statutory and Ordinance requirements.
- b. Any illegal automobile graveyard or junkyard shall not expand unless all statutory and requirements of this Ordinance are met.
- c. All illegal automobile graveyards or junkyards shall be enclosed by an effective visual screen no less than six (6) feet in height and be built in accordance to the Maine Department of Transportation's rules issued pursuant to Title 30-A, MRSA, Section 3759. A plan for visual screening shall be submitted to the Planning Board for approval.

5. Enforcement.

This section of the Ordinance shall be enforced by the Code Enforcement Officer or their authorized agents, in accordance with State Law. Any violation of this section shall also be deemed a nuisance within the meaning of Title 17, MRSA, Section 2802 and subject to the penalties and other remedies set forth in Title 30-A, MRSA, Section 4452.

F. Bed and Breakfast.

1. There shall be one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
2. Each rental room shall have not less than twelve by fifteen (12' X 15') feet horizontal dimensions.
3. Each rental room shall be equipped with an approved smoke detector.

G. Buffers and Screening.

1. If there are residential or agricultural land uses or Districts within 200 feet, a landscaped buffer strip of no less than fifteen (15) feet in width and six (6) feet in height shall be provided to minimize the adverse impact of characteristics such as, but not limited to, structures, storage areas, parking spaces, driveways, loading areas, exposed machinery, to protect abutting residential properties from the intrusion of noise, light, visual impact, and exhaust fumes from such non-residential buildings and uses. In areas where there is no residence within 200 feet, the 15 foot buffer strip is required but the 6 foot visual screening is not required. Buffering requirements are more restrictive for certain land uses such as automobile graveyards. The buffer areas shall be maintained and vegetation replaced to insure continuous year round screening. Notwithstanding the above requirements, driveways shall be kept open to provide visibility for entering and leaving.
2. Where no natural vegetation can be maintained, or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges, or combinations thereof.
3. Buffering shall be sufficient to minimize the impacts of any kind of potential use such as, but not limited to: loading and unloading operations, outdoor storage areas, vehicle parking, waste collection and disposal areas.
4. Where a potential safety hazard to small children would exist, physical screening/barriers shall be used to deter entry to such premises.
5. There shall be no paving, parking, or structures other than signs located in the buffer area.
6. The Planning Board may allow a buffer area of less width when site conditions, such as natural features, vegetation, topography, or site improvements, such as additional landscaping, berming, fencing, or low walls, make a lesser area adequate to achieve the purposes of this Ordinance.
7. In the Rural and Farm District, no use requiring conditional land use permit approval may be located within 300 feet of any property line, within 1320 feet of any existing residence unless the residence in question is the principal residence of the landowner, or within 200 feet of any public road.

H. Campgrounds.

Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:

1. Recreational vehicle and tenting areas shall meet the following criteria:
 - a. Each recreational vehicle, tent, or shelter site shall contain a minimum of 2000 SF, not including roads and driveways.
 - b. A minimum of 200 SF of off-street parking shall be provided for each recreational vehicle, tent or shelter site.

- c. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace.
- 2. The campsite areas intended for placement of recreational vehicles, tents, or shelter and utility and service buildings, shall be set back a minimum of 100 feet from the exterior lot lines of the camping area and 100 feet from the normal high water elevation of any stream or brook.
- 3. All camp site areas shall be screened from adjacent properties and public roadways by a landscaped buffer strip area not less than 25 feet wide in accordance with 6.13.C.
- 4. All internal common travel ways shall be at least twenty (20') feet in width. No vehicle parking shall be allowed in the common travel areas.
- 5. An erosion and sedimentation control plan approved by the County Soil and Water Conservation District shall be submitted as part of the application.
- 6. Fire extinguishers shall be maintained in all service buildings. Internal travel areas shall be kept open at all times to ensure emergency vehicle access. A 24-hour emergency communication service (i.e. telephones), at a minimum, shall be installed in the main service building.

I. Drilling, Grading, Lagooning, Dredging, or Other Earth-Moving Activity.

1. Application for Conditional Land Use Permit.

Application for a Conditional Land Use Permit from the Planning Board for excavation, processing and storage of soil, loam, sand, gravel, rock and other mineral deposits shall be accompanied by a plan prepared by a Registered Land Surveyor or Registered Professional Engineer which shall show:

- a. the name and current address of the owner of the property involved;
- b. the location and boundaries of the lot or lots for which the permit is requested;
- c. the existing contours of the land within and extending beyond the above boundaries for two hundred (200) feet at intervals not to exceed five (5) feet referred to Mean Sea Level;
- d. the contours as proposed following completion of the operation at intervals not to exceed five (5) feet referred to Mean Sea Level (NGVD);
- e. the location of all proposed access roads and temporary structures;
- f. the proposed provisions for drainage and erosion control, including drainage calculations; and
- g. the names and addresses of the owners of all property located within 500 feet;
- h. other information necessary to indicate the physical characteristics and layout of the proposed operation.

2. Conditions of Permit.

The Planning Board may authorize a Conditional Land Use Permit providing the following conditions shall be met:

- a. the smallest amount of bare ground shall be exposed for the shortest time feasible. The Planning Board shall set a specific date after which bare ground shall not be exposed.
- b. temporary ground cover such as mulch shall be used. The Planning Board shall set a specific date by which permanent ground cover shall be planted.
- c. diversions, silting basins, terraces and other methods to trap sediment shall be used.
- d. lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The applicant shall submit written approval from the Maine Depts. of Environmental Protection and Inland Fisheries and Wildlife, as applicable, prior to final consideration by the Planning Board.
- e. the extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.
- f. fill shall not restrict a floodway, channel, or natural drainageway.
- g. the sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the Maine Soil and Water Conservation Commission, Technical Guide, Standards and Specifications.

- h. no below-grade excavation, except for drainage ways, shall be allowed within fifty (50) feet of any lot line or public road.
- i. topsoil or loam shall be restored to a depth of not less than four (4) inches.
- j. the applicant shall submit a written erosion and sedimentation control plan approval from the appropriate Soil and Water Conservation District.
- k. the final graded slope shall be (2:1) ratio or flatter.
- l. all debris, stumps, and other inert material shall be removed from the site and legally disposed of, or buried on-site. Only material generated on-site may be buried or disposed of on-site.

3. Optional Conditions of Permit.

The Planning Board may impose other reasonable conditions to safeguard the neighborhood and the Town which may include those relating to:

- a. methods of removal or processing;
- b. hours and days of operation;
- c. type and location of temporary structures;
- d. routes for transporting material;
- e. area and depth of excavations;
- f. provision of temporary or permanent drainage;
- g. disposition of operations debris other than stumps, brush, and inert fill; and
- h. cleaning, repair and/or resurfacing of roads used in removal activity which have been adversely affected by said activity.

4. Surety and Terms of Permit.

No permit shall be issued without a bond or other security to insure compliance with such conditions as the Planning Board may impose. No permit shall be issued for a period to exceed three (3) years, although such a permit may be renewed for additional periods in the same manner.

5. Existing Operations.

Any operation involving the excavation, processing or storage of soil, earth, loam, sand, gravel, rock or other mineral deposits in lawful operation at the time this Ordinance becomes effective may operate for a period of three (3) years from the effective date. Discontinuance of any existing operation for a period of more than one (1) year shall require application for a new permit. Continuation of any existing operation for more than three (3) years shall require a permit from the Planning Board.

J. Exterior Lighting.

All exterior lighting shall be designed to encourage energy conservation and efficiency, to ensure the safe movement of people and vehicles, to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

- 1. Style: The style of the light and light standard shall be consistent with the architectural style of the principal building.
- 2. Maximum Height: The maximum height of free standing lights shall be the same as the principal building, but not to exceed twenty-five (25) feet.
- 3. Lights at Property Boundaries: Where lights along property lines will be visible to adjacent residents, the lights shall be appropriately shielded.
- 4. Lighting of Parking Areas: The Planning Board shall determine the necessity for lighting depending upon the nature of the intended use. All parking areas to be lighted shall provide a minimum of three (3) foot-candles at intersections and a total average illumination of one and one-half (1.5) foot-candles throughout the parking

areas as required. Such lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or the traveling public.

5. Required Light Levels:

- a. Parking Lot: An average of one and one-half (1.5) foot-candles throughout.
- b. Intersections: Three (3) foot-candles.
- c. Maximum at Property Lines: One (1.0) foot-candle.
- d. In Residential Areas: Average of six-tenths (0.6) foot-candle.

K. Home Occupations.

1. Home occupations shall be carried on wholly within the principal residence or within an accessory structure.
2. Not more than two persons outside the family shall be employed in the home occupation.
3. There shall be no exterior display, no exterior sign (except as permitted by the provisions of this Ordinance), no exterior storage of materials, no other exterior indication of the home occupation, and no variation from the residential character of the principal building.
4. No nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation shall be generated.
5. No Home Occupation shall generate no more than 30 additional vehicle trips per day.
6. There shall be no change in the outside appearance of the building or premise that shall cause the premise to differ from its residential character by use of colors, materials, construction, lighting, signs, sounds, or noises.
7. The home occupation shall not occupy more than 35 percent of the total gross floor area of the principal structure.
8. Noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisances which are in excess normal levels or frequencies typical of residential activities, shall not be permitted.
9. In addition to the off-street parking provided to meet the normal requirements of the dwelling(s), adequate off-street parking shall be provided for the vehicles of each employee and the vehicles for the maximum number of users the home occupation may attract during the peak operational hours. If additional parking spaces are to be provided, they shall be located to the rear or side yard of the principal structure, but not within the required yard setbacks for accessory structures.
10. The sale of products shall be limited to normal business hours and to those items which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, and to items which are accessory and incidental to a service which is provided on the premises.
- 11. The home occupation shall not use utilities beyond that normal for residential properties.

L. Hotels, Motels, and Inns.

alt. - utility use shall not exceed — kilowatts per month, as per [utility] standards for commercial/industrial use.

For the purposes of this section, the terms hotel, motel, and inn are used interchangeably.

1. A landscaped buffer strip, not less than twenty (20) feet wide, shall be maintained in accordance with the standards of this Ordinance.
2. If cooking or eating facilities are provided in hotel rental units, each rental unit shall be considered a dwelling unit and the hotel shall be required to meet all the standards for multifamily developments in this Ordinance, including the residential density requirements of the appropriate District.

3. Each motel rental unit shall contain not less than two hundred (200) SF of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than twelve by fifteen (12 X 15) feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.
4. On each hotel lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.
5. Hotel building construction plans shall be reviewed and approved by the Fire Chief.
6. Recreational vehicle parking stalls shall be designed to accommodate the traveling public by a minimum stall width of eleven (11) feet and stall depth of twenty-three (23) feet. Angled parking stall width and depths shall be increased by 10 percent and 25 percent above the standards contained in this Ordinance.
7. All hotels shall be connected to the public sewer and water systems.
8. No building shall be closer than fifty (50) feet from a property line.

M. Kennels and Veterinary Hospitals.

1. Structures or pens for housing or containing the animals shall be located not less than one hundred (100) feet from the nearest residence, other than the owners', existing at the time of permit.
2. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.
3. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide a breeding place for insects, vermin, or rodents.
4. Temporary storage containers for any kennel, or veterinary wastes containing or including animal excrement, shall be kept tightly covered at all times, and emptied no less frequently than once every four days. Such containers shall be made of steel or plastic to facilitate cleaning, and shall be located in accordance with the setbacks required for outdoor runs.
5. If outdoor dog "runs" are created, they shall be completely fenced in, and shall be paved with cement, asphalt, or a similar material to provide for cleanliness and ease of maintenance.
6. Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of 400 feet from nearest residence other than the applicants, and shall have a chimney vent not less than 35 feet above the average ground elevation. The applicant shall also provide evidence that they have obtained approval from the Maine Department of Environmental Protection for the proposed incinerator, and that it meets state standards for particulate emissions, flue gas temperature, and duration of required flue temperatures.

N. Multi-Family Dwelling Units.

1. Two-Family Dwelling Units.
 - a. Two-family units shall meet all of the dimensional requirements for single-family dwelling units.
 - b. Existing single-family dwellings can be made into a two-family dwelling provided the existing floor area of the building remains the same.

2. Multi-Family Dwelling Units

- a. All multi family dwelling units shall be reviewed as subdivisions in accordance with the Town of Mars Hill Subdivision Ordinance.
- b. Multi-family (3 or more) dwelling units shall also meet all of the applicable standards of this Ordinance and the following criteria:
 1. Lot area shall be 50 percent of that required for the equivalent number of single-family dwelling units.
(Example: 1 ac. lot size with ten units proposed will require 5 acre lot size.)
 2. The minimum road frontage shall be 200 feet.
 3. Lots for multi-family dwelling units shall meet all other dimensional requirements of single-family dwellings.
 4. No building shall contain more than ten (10) dwelling units.
 5. All multi-family dwelling units shall be connected to a public sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance, at no expense to the Town.
 6. All multi-family dwellings shall be connected to a common water supply and distributions system, either public or private, at no expense to the Town.
 7. No parking area shall be located within the required yard areas.

O. Off-Street Parking and Loading.

Basic Requirement: In any District where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged unless there is provided for such extensions, construction or enlargement, off-street automobile parking space within three hundred (300) feet of the principal building, structure, or use of the premises, in accordance with the Off-Street Parking and Loading Requirements contained in Section 5, above. No required parking space shall, for the purpose of this Ordinance, serve more than one use.

P. Planned Unit Development and Cluster Development.

1. Purpose.

The purpose of these provisions is to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the District in which the development is proposed.

2. Basic Requirements.

Planned unit developments and cluster developments shall meet all of the following criteria:

- a. All planned unit developments and cluster developments shall meet all requirements for a subdivision.
- b. The minimum area of land in a planned unit development or cluster development shall be 10 acres.
- c. Any lot abutting a public road shall have a frontage and area no less than that normally required in the District. On other than public roads, lot area and road frontage may be reduced by not more than 30 percent from the requirements of the District in which the proposed development is located provided that:
- d. No building lot shall have an area of less than 10,000 SF.

- e. All lots except those abutting a circular turn-around shall have a minimum front of 75 feet. The frontage of lots abutting a circular turn-around may be reduced to 50 feet, provided that the minimum lot width at the face of the building shall be 75 feet.
- f. Lots in a planned unit development or cluster development shall meet all other dimensional requirements for the District in which they are located.
- g. The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the District.
- h. Every building lot that is reduced in area below the amount normally required shall abut such common land for a distance of at least fifty (50) feet.
- i. All common land for recreational or conservation purposes only shall be owned jointly or in common by the owners of the building lots, by a trust or association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the Town.
- j. Further subdivision of common land or its use for other than non-commercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land.
- k. Where a planned unit development or cluster development abuts a waterbody, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common line.
- l. All dwelling units in a planned unit development or cluster development shall be connected to a common water supply and distribution system, either public or private, at no expense to the Town.
- m. All structures with required plumbing in a planned unit development or cluster development shall be connected to a public sanitary sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance, at no expense to the Town.
- n. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development.

Q. Restaurants.

- 1. The application for a permit shall state the maximum seating capacity of the restaurant. Any expansion or enlargement over the stated capacity shall require a new permit.
- 2. Any restaurant located within 500 feet of an existing public sewer line shall connect with the sewer system at the expense of the owners.
- 3. All parking and loading facilities shall be located to the side or rear of the building, and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than eight (8) feet in width, containing evergreen shrubs, trees, fences, walls, berms, or any combination, forming a visual barrier not less than six (6) feet in height.
- 4. Restroom facilities for the patrons shall be provided on the premises.
- 5. No principal building shall be closer than fifty (50) feet from a property line.

R. Schools, Churches, Fraternal Organizations, and Non-Profit Clubs.

Public and private schools, churches, fraternal organizations, and non-profit clubs shall meet the following provisions:

- 1. A green strip, suitably landscaped, at least twenty (20) feet wide shall be provided in accordance with this Ordinance.
- 2. No principal building shall be closer than fifty (50) feet from a property line.

Section 7 Administration.

7.1 Enforcement.

This Ordinance shall be enforced by a Code Enforcement Officer appointed by the Town Council.

7.2 Land Use Permits Required.

- A. All applications for Land Use Permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose. Cosmetic changes to existing structures which do not involve structural alterations or expansions do not require a land use permit. Cosmetic changes are those such as painting, siding replacement, reshingling, window or door replacement, and interior changes not involving plumbing, wiring, or the moving of walls. The Code Enforcement Officer will issue a dated receipt to the applicant. The applicant shall have the burden of proof that the proposed land use activity is in conformity with the purpose and provisions of this Ordinance.
- B. Within ten days of the filing of an application for a Land Use Permit, the Code Enforcement Officer shall approve, deny or refer to the Planning Board for Conditional Land Use Permit review, all applications which require Planning Board review as indicated in the Land Use Table. The CEO's decision shall be in writing on a form designed for the purpose, and communicated directly to the applicant. One copy of the Code Enforcement Officer's decisions shall be filed in the Town Office. In case where the Code Enforcement Officer deems that a Conditional Land Use Permit/Planning Board review is required, the CEO shall also provide a copy of this decision to the Planning Board.
- C. No Land Use Permit for a building, structure, or other land use on any lot shall be issued except to the owner of record thereof, or their authorized agent, until the proposed land use, construction, expansion or alteration of a building or structure shall comply in all respects with the provisions of this Ordinance or with a decision rendered by the Board of Appeals or the Planning Board. Any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Ordinance, and a determination that all applicable development standards will be met.
- D. A Land Use Permit secured under the provisions of this Ordinance shall expire and become void if the work, change, or Land Use is not commenced within one year of the date on which the permit is granted, and if the work, or change, or land use is not substantially completed within two years of the date on which the permit is granted.

7.3 Plumbing Permit Required.

No Land Use Permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities, unless a valid Plumbing Permit has been secured by the applicant or authorized agent in conformance with the sanitary provisions of this Ordinance and the Maine State Plumbing Code. No public utility, water district, sanitary district or any utility of any kind may install services to any structure or building unless written authorization attesting to the validity and currency of all local permits required under this Ordinance, has been issued by the appropriate Town Officials. Following installation of service, the company or district shall notify the Town that the installation is complete.

7.4 Schedule of Fees, Charges and Expenses.

The Town Council shall establish a schedule of fees, charges and expenses and a collection procedure for land use permits, conditional land use permits, variance or administrative appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Town Office, and may be altered or amended only by the Town Council.

7.5 Code Enforcement Officer.

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provisions of this Ordinance are being violated, the CEO shall notify in writing the person(s) responsible for such violation, indicating the nature of the violation and order the action

necessary to correct it. The CEO shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions. Violations of this Ordinance shall be considered a nuisance. Copies of notices of violation shall be forwarded to the Town Council to be maintained as a permanent record.

- B. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also properly record and investigate all complaints of alleged violations of this Ordinance. Any person may file a written or oral complaint. As a matter of record, all oral complaints shall be followed up by the person in writing. The person making the complaint may remain anonymous.
- C. The Code Enforcement Officer shall keep a complete record of all essential transactions of, and which effect the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

7.6 Legal Action and Violations.

When any violation of any provisions of this Ordinance shall be found to exist, the Town Council may, upon notice from the Code Enforcement Officer, authorize and direct the Town Attorney to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. Such actions may include seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Mars Hill. The Town Council, or their authorized agent, is/are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Town official and the advice could reasonably have been relied upon, and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

7.7 Fines.

Any person, firm, or corporation being the owner or having control of use of any building or premises who orders or conducts any activity which violates any of the provisions of this Ordinance, be penalized in accordance with Title 30-A MRSA §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. Minimum penalties for starting construction or engaging in a land use activity without a permit, or for a specific violation is \$100, and the maximum penalty is \$2500.

7.8 Appeals and Conditional Land Use Permits.

A. Procedure.

1. All applications for Conditional Land Use Permits or appeals to the Board of Appeals shall be based upon a written determination of the Code Enforcement Officer. The Code Enforcement Officer will screen applications for completeness and offer comments for the respective Board's consideration. The Code Enforcement Officer's determination and referral of applications to the Planning Board and Board of Appeals must take place within ten (10) days of receipt of completed applications. The Code Enforcement Officer does not have the authority to decide that a person has no standing to apply for Conditional Land Use permit or an administrative or variance appeal.
2. Administrative appeals and variance appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.
3. Applications for Conditional Land Use Permits shall be heard and decided upon by the Planning Board in accordance with the provisions of this Ordinance.

4. A second appeal of a similar nature shall not be received before the Board of Appeals within one (1) year from the date of denial on the first appeal. However, re-appeal may be made to the Board if substantial new evidence shall be found or an error or mistake in law or misunderstanding of fact shall have been found.

7.9 Board of Appeals.

A. Establishment.

A Board of Appeals is hereby established in accordance with state law and provisions of this Ordinance.

B. Appointment and Composition.

1. The Board of Appeals shall be appointed by the Town Officers and shall consist of 5 members, all of whom shall be legal residents or the Town, serving staggered terms of at least 3 and not more than 5 years. The Board shall elect annually a Chair and Secretary from its membership. The Secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board, together with all correspondence and material evidence submitted in association with Board proceedings, shall be public record. All records to be maintained by the Secretary shall be filed at the Town Office and they may be inspected at reasonable times. A quorum shall consist of 3 members.
2. A Town Officer or their spouse may not serve as a member.
3. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.
4. A member of the Board may be dismissed for cause by the Town Council upon written charges and after hearing. The hearing shall be made public should the person under consideration request it.

C. Powers and Duties.

1. Administrative Appeals: To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer or Planning Board in the administration of this Ordinance. For the purpose of this section, Ordinance administration does not include enforcement actions. A decision of the Code Enforcement Officer to take enforcement actions for violations of this Ordinance, or any permit issued pursuant to this Ordinance, is not appealable to the Board of Appeals.
2. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

a. Variances.

Variances may be permitted only under the following conditions:

1. Variances may only be granted from dimensional requirements including minimum yard dimensions, lot coverage, visibility at corner lots, and building height.
2. Establishment or expansion of a use otherwise prohibited shall not be granted by variance.
3. Except as provided in subsection 5. below, the Board shall not grant a variance unless it finds that:
 - a. The proposed use, building, or structure would meet the provisions of the applicable development standards except for the specific provision(s) which has created the non-conformity and for which a variance is being sought; and
 - b. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - i. That the land in question cannot yield a reasonable return unless a variance is granted;

- ii. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - iii. That the granting of a variance will not alter the essential character of the locality; and
 - iv. That the hardship is not the result of action taken by the applicant or a prior owner.
- 4. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance, and in doing so may impose such conditions and safeguards regarding the location of structures and buildings, character, fencing, screening, landscaping or other features as it may deem advisable in furthering the intent and purpose of this Ordinance.
- 5. Disability Variance. The Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to, or egress from the property by the person with the disability. Equipment or structures include railings, wall, or roof systems necessary for the safety and effectiveness of the structure. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purpose of this subsection, a disability has the same meaning as a mental or physical handicap under Title 5, Section 4553.

7.10 Appeal Procedure.

- A. In all cases, a person aggrieved by an administrative decision of the Code Enforcement Officer or Planning Board, or a person who seeks a variance, shall commence their appeal within thirty (30) days after a decision is made by the Code Enforcement Officer or Planning Board. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal. The grounds set forth by the applicant shall include a concise written statement indicating what relief is requested and why it should be granted. A sketch plan drawn to scale showing lot lines, location of existing buildings and structures, and other features of the lot pertinent to the relief sought.
- B. Following the filing of an appeal, and before taking action on any appeal, the Board of Appeals shall hold a public hearing on the appeal within 45 days. The Board of Appeals shall notify the Code Enforcement Officer and the Planning Board, at least 20 days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.
- C. The Board of Appeals shall notify by certified mail the appellant and the owners of the property abutting the property for which the appeal is taken, at least 10 days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing, thereon. For the purpose of this Section, abutting properties shall include properties directly across a road or waterbody from the property for which the appeal is made if the abutting property is within 500 feet.
- D. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.
- E. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.
- F. The Code Enforcement Officer, a Planning Board member, or a designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material deemed appropriate for an understanding of the appeal. If requested by the Board, all such material constituting the record shall be forwarded to the Board of Appeals prior to the public hearing by the Code Enforcement Officer or Planning Board as appropriate.

- G. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions shall be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
- H. The concurring vote of a majority of the members present and voting of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to pass under this Ordinance, or to affect any variation in the application of this Ordinance.
- I. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief, or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, their representative or agent, the Planning Board, agency or office, the Code Enforcement Officer, and the Town officers within seven (7) days of the decision date.
- J. Appeals may be taken within forty-five (45) days from any decision of the Board of Appeals to Superior Court.
- K. Any Board of Appeals reconsideration of an original decision must be reconsidered and the proceedings completed within thirty (30) days of the vote on the original decision.
- L. Within 30 days of the public hearing, the Board of Appeals shall inform, in writing, the appellant, the Code Enforcement Officer, the Planning Board, and Town Council of the decision and the reasons therefore.
- M. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a permit in accordance with the conditions of the approval.
- N. A variance under the provisions of this Ordinance, secured by vote of the Board of Appeals, shall expire if the work or change involved is not commenced within one year of the date on which the appeal is granted, if the work or change is not substantially completed within two years, or if the variance is not recorded in the registry of deeds within 90 days of the date of final approval. The recording of variances is the applicant's responsibility.

7.11 Conditional Land Use Permits.

A. Authorization.

The Planning Board is hereby authorized to hear and decide upon applications for Conditional Land Use Permits in accordance with state law and the provisions of this Ordinance.

B. Powers and Duties.

The Planning Board shall hear and approve, approve with modifications or conditions, or deny all applications for Conditional Land Use Permits. No Conditional Land Use Permit shall be authorized unless the proposed activity is in compliance with all applicable provisions of this Ordinance.

C. Application Procedures.

- 1. Applications shall not be considered as having pending status and shall be subject to changes in local, state, or federal laws until the time they have been determined to be complete final applications by the Planning Board.
- 2. The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.
- 3. When an application for a Conditional Land Use Permit is forwarded to the Planning Board, they shall schedule the proposal for concept plan review at the next available Planning Board workshop. Concept plan review is intended to provide the applicant with an opportunity to discuss the proposed development; obtain the Board's comments prior to expending significant resources in furtherance of specific development plans; and gain an understanding of the review procedures, requirements, and standards. The Planning Board may identify issues

that are to be addressed and submissions required in the final plan application. No decision regarding permit approval, conditions, or denial is made during concept plan review.

4. Following the filing of an application, and before taking action on any application, the Planning Board shall begin its review of the application and hold a public hearing, if the hearing is deemed necessary, on the application within 45 days. Additional Hearings may be called both before and after the application is deemed complete. The Planning Board shall notify the Code Enforcement Officer, Town Council, Town Manager, Road Commissioner, Fire Chief and the Board of Appeals, at least 10 days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.
5. The Board shall notify the applicant by Certified Mail and all abutting property owners by 1st class mail at least 10 days in advance of the hearing, of the nature of the application and of the time and place of the public hearing. For the purpose of this Section, abutting property owners include those also directly across a road or water body from the property from which the application is made if the property is within 500 feet.
6. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.
7. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.
8. The Code Enforcement Officer or a designated assistant shall attend all hearings and may present to the Planning Board all plans, photographs, or other material the CEO deems appropriate for an understanding of the application.
9. 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.
10. Within 30 days after the application is deemed complete, the Planning Board shall reach a decision on a Conditional Land Use Permit application and shall inform, in writing, the applicant, the Code Enforcement Officer and Town Officers of its approval, denial, or approval with conditions and its reasons therefore. The written notice shall be within 15 days of the decision.
11. Upon notification of an approval, denial, or approval with conditions of the Planning Board the Code Enforcement Officer, as instructed, shall immediately issue, or issue with conditions prescribed by the Planning Board, or deny a Conditional Land Use Permit.
12. A Conditional Land Use Permit secured under the provisions of this Ordinance by approval of the Planning Board shall expire if the work or change involved is not commenced within one year of the date on which the Conditional Land Use Permit is issued and if the work or change is not substantially completed within two years.

D. Appeals .

The Planning Board's administrative decisions are appealable by the applicant or an abutter to the Board of Appeals.

E. Applications Requiring Board of Appeals Review.

Before deeming an application a complete final application, the Planning Board shall require from the applicant evidence of the Board of Appeals approval, for applications which involved the issuance of a variance by the Board of Appeals. The applicant must demonstrate that the variance was recorded in the Registry of Deeds.

F. Applications Requiring Other Public Agency Review.

The Planning Board may approve complete final applications subject to the condition that all necessary permits be received from agencies such as, but not limited to, the Army Corps of Engineers, Maine Department of Environmental Protection, Maine Department of Transportation, or Maine Department of Human Services. However, the Planning Board may require that approvals required by state or federal law be submitted to the Town prior to final approval upon finding that the permits from state or federal agencies may have a significant effect on the final context of the site design application.

7.12 Factors Applicable to Conditional Uses.

A. In considering a complete Conditional Land Use Permit application the Planning Board shall approve the application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. will maintain safe and healthful conditions;
2. will not result in surface and ground water pollution and/or sedimentation;
3. will not adversely effect adjacent building sites and land uses;
4. will dispose of all wastes and byproducts generated in an environmentally safe manner;
5. will not cause undue air pollution;
6. will not overburden public water and sewer systems; and
7. is in conformity with the provisions of this Ordinance.

B. Conditions Attached to Conditional Uses.

Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance and to protect the public health, safety, and welfare . Violation of any of these conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; limitations on period of operation; operational controls; deed restrictions; restrictive covenants; locations of piers, docks, parking and signs, type of construction; or any other conditions necessary to fulfill the purposes of this Ordinance.

Section 8 Definitions.

8.1 Construction Of Language.

A. In this Ordinance, certain terms or works shall be interpreted as follows:

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

B. Terms not defined shall have the customary dictionary meaning.

8.2 Definitions .

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

Accessory Use or Structure: a use or structure of a nature customarily incidental and subordinate to those of the principal use or structure which is located on the same lot.

Alternation: any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

Auto Service Station: a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

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

Automobile Graveyard: a yard, field or other area used as a place of storage for three or more unserviceable, discarded, worn-out or junked motor vehicles.

Basement: a portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.

Billboard: a sign, structure or surface larger than 6 SF which is available for advertising purposes for goods or services rendered off the premises, excluding directional signs.

Building: a structure for the support, shelter or enclosure of persons, animals, goods or property of any kind.

Building Height: the vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.

Boarding House: a building or part thereof, other than a hotel, motel, or restaurant in which more than two but not more than seven guest rooms are offered with lodging and meals for compensation.

Campground: any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

Cellar: a portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

Channel: a natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

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

Conditional Use: a use permitted only after review and approval by the Planning Board. A Conditional Use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance. Such uses may be permitted if specific provisions of such Conditional Use is made in this Ordinance.

Conditional Land Use Permit: a permit authorized by the Planning Board for a Conditional Use. A Conditional Land Use permit may be issued only after the applicant has followed the procedures of this Ordinance.

Conforming Use: a use of buildings, structures or land which complies with all applicable provisions of this Ordinance.

Constructed: includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, shall be considered a part of construction.

District: a specified portion of the Town, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Dwelling: a fixed structure, containing one or more dwelling units.

Dwelling Unit: a room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.

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

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.

Excavation: any removal of earth or earth material from its original position.

Family: one or more persons related by blood or marriage occupying a premises and living as a single housekeeping unit.

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

Floodplain: The areas of special flood hazard identified by the Federal Emergency Management Agency in a map entitled "Flood Insurance Rate Map - Town of Mars Hill, Maine, Aroostook County" Dated October 24, 1978 and adopted by reference and declared part of the Town's Floodplain Management Ordinance adopted on April 4, 1990.

Floor Area Gross: the sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior faces of the exterior walls. The floor area of the basement is not counted toward gross floor area. Living space on second and third stories is calculated toward gross floor area.

Frontage, Shore: the horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at normal high water elevation.

Frontage, Road: the horizontal distance between the intersections of the side lot lines with the front lot line.

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

High Water Elevation, Normal: along streams and brooks, the highest elevation on the bank of a channel at which the water has left a definite mark.

Home Occupation: an occupation or profession other than commercial business service or activity which is: customarily carried on in a dwelling unit or structure accessory to a dwelling unit; and clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Junkyard: a yard, field, or other area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating, supplied, household appliances and furniture;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material.

Lagoon: an artificial enlargement of a waterbody, primarily by means of dredging and excavation.

Lot: a parcel of land in single ownership, described on a deed, plot, or similar legal document.

Lot Area: the total horizontal area within the lot lines.

Lot Back: A lot having no frontage on a public road or privately owned road("back lot") may be developed only if it is connected to a public road or a privately owned road by a private easement at least 30 feet wide, any such easement must be in writing and must be recorded in the Aroostook County Registry of Deeds before any construction (other than site clearing) is commenced on the lot, land serving as an easement to a back lot cannot also be counted as frontage for a lot abutting a public or private road. The Town is not obligated to maintain or repair a private easement, nor to provide school bus service or other Town services.

Lot, Corner: a lot with at least two contiguous sides abutting upon a road.

Lot, Coverage: the percentage of the lot covered by all buildings, including accessory structures.

Lot, Interior: any lot other than a corner lot.

Lot Lines: the lines bounding a lot as defined below:

Front Lot Line: on an interior lot, the line separating the lot from the road On a corner or through lot, the line separating the lot from either road.

Rear Lot Line: the lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Side Lot Line: any lot line other than the front lot line or rear lot line.

Lot Width: the horizontal distance between the side lot lines, measured at the structure_setback line.

Lot of Record: a parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the County Register of Deeds or in common use by Town or County Officials, which at the effective date of adoption or amendment of this Ordinance does not meet the required area, depth, frontage or width requirements for the District in which it is located.

Lot, Shorefront: any lot abutting a waterbody.

Lot, Through: any interior lot having frontages on two more or less parallel roads, or between a road and a waterbody, or between two waterbodies, as distinguished from a corner lot. All sides of through lots adjacent to roads and waterbodies shall be considered frontage, and front yards shall be provided as required.

Mobile Home: a structure designed as a dwelling unit containing sleeping accommodations, a toilet, a tub or shower bath, a kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than 450 SF of gross floor area.

Mobile Home Park: a plot of land laid out to accommodate three (3) or more mobile homes.

Net Residential Acreage: the gross acreage available for development, excluding the area for roads or access and the areas which are unsuitable for development.

Net Residential Density: the number of dwelling units per residential acre.

Non-conforming Building or Use: a building, structure, use of land, or portion thereof, lawfully existing at the effective date of adoption or amendment of this Ordinance which does not conform to all applicable provisions of this Ordinance.

Open Space Use: a use not involving: a structure; earth moving activity; or the removal or destruction of destruction cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Parking Space: a minimum area of two hundred (200) SF, exclusive of drives, aisles or entrances, fully accessible for the storage or parking vehicles.

Permanent Foundation: A permanent foundation means all of the following:

1. A full, poured concrete, masonry, wood, or other engineered system foundation;
2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
3. A reinforced, floating concrete pad for which the Town may require an engineer's certification if it is to be placed on soil with high frost susceptibility; and
4. Any foundation which is permitted for other types of single-family dwellings.
5. Piers/puncheons.
6. Any foundation using advanced technologies and is approved by the Code Enforcement Officer for use.

Planned Unit Development: land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including roads, utilities, lots or building sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. Development may be a single operation or a programmed series of operations including all lands and buildings, with provision for operation and maintenance of such areas and improvements and facilities necessary for common use by the occupants of the development.

Premises: one or more lots which are in the same ownership and are contiguous or separated only by a road or waterbody, including all buildings, structures and improvements.

Principal Building or Structure: the building in which the primary use of the lot is conducted.

Principal Use: the primary use to which the premises are devoted, and the main purpose for which the premises exist.

Public Utility: any person, firm, corporation, Town department, board or commission authorized to furnish gas, steam electricity, waste disposal, communication facilities, transportation or water to the public.

Recreational Vehicle: a vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, and motor home.

Road, Private: For the purpose of this Ordinance and for determining frontage requirements, a privately owned road is a road, lane, right-of-way, or road not owned or maintained by the Town, County, or State. Town approval of development of a lot on a privately owned road shall not obligate the Town to provide school bus service, trash pick-up, or other Town services to any lot on said road.

Road, Public: For the purpose of this Ordinance and for determining frontage requirements, a public road is any road, lane, or road accepted and maintained by the Town, County, or State.

Setback: the minimum horizontal distance from a lot line to the nearest part of a structure.

Setback from Water: the minimum horizontal distance from the normal high-water elevation to the nearest part of a structure.

Sign: a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises.

Shoreland Areas: The land area located within 250 feet, horizontal distance, of the normal high water line of any Great Pond or River, within 250 feet of the upland edge of a Freshwater wetland, or within 75 feet of the normal high water line of a stream. The terms contained in this definition shall have the same meaning set forth in the Town's Shoreland Zoning Ordinance.

Stream or Brook: any channel between defined banks including the floodway where the channel is created by the action of surface water movement and characterized by the lack of upland vegetation and presence of aquatic vegetation, and by the presence of a bed absent of topsoil containing water-borne deposits on exposed soil parent material or bedrock. These areas are only defined as streams or brooks if the above conditions exist and the area is not under the jurisdiction of the Town's Shoreland Zoning Ordinance.

Structure: anything constructed or erected, the use on which requires location on the ground or attachment to something on the ground.

Subdivision: the division of a tract or parcel of land into three or more lots, uses, or dwelling units as defined in the Town's Subdivision Ordinance.

Trailer, Utility: a vehicle without motive power, designed to be towed by a passenger automobile, but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer or snowmobile trailer.

Use: the purpose for which land or a structure is arranged, designed or intended, or for which land or a structure is or may be occupied.

Use, change of: A change from one category in the land use table to another.

Use, expansion of: the addition of; months to a business operating season, additional structures or new floor area, acreage planted cut or grazed, adult farm animals increased by more than 20 percent in any given year, or any new ground area filled or excavated or otherwise dedicated to a regulated land use.

Yard: the area of land on a lot not occupied by the principal building.

Yard, Front: the area of land between the front lot line and the nearest part of the principal building.

Yard, Side: the area of land between the side lot line and the nearest part of the principal building.

Yard, Rear: the area of land between the rear lot line and the nearest part of the principal building.