

PROPOSED ZONING ORDINANCE CHANGES

DRAFT – April 18, 2008

Revisions to existing zoning ordinance. Insertions are shown in underline and deletions are shown in ~~striketrough~~, except 2.6 Land Use Table which includes insertions and deletions that are not indicated, and Section 5.6.2 which is completely new but is not underlined.

SUMMARY EXPLANATION

- Article 1—General
- Article 2—Establishment of Districts
- Article 3—Definitions
- Article 4—Land Use Districts
- Article 5—Performance Standards
- Article 6—Administration

ARTICLE 1

Article 1 deals with standard legal provisions which cover such day to day matters as: ~~the purpose of the Ordinance, basic requirements of the Ordinance, procedures dealing with non-conforming uses, and the date the Ordinance takes effect.~~

ARTICLE 2

This Article states the name of each District being adopted in the Town and refers to a Zoning Map which shows the location of the Districts.

ARTICLE 3

This Article defines certain terms or words used in the Ordinance. The purpose of defining these words or terms is to avoid misunderstanding.

ARTICLE 4

This Article contains the three Land Use Districts:

- ~~1. Resource Protection District~~
- ~~2. Shoreland Zone District~~
- ~~3. Little Ossipee River District~~
- ~~4. General Purpose District~~

1. ~~**Resource Protection District**~~—This District is specifically designed to protect fragile or ecologically important areas such as swamps, bogs or wetlands.

Permitted Uses: ~~All open space use.~~

Uses Permitted By Review: ~~Agriculture, timber harvesting and accessory~~

~~structures.~~

~~Prohibited Uses: All residential, commercial, or industrial uses.~~

- ~~2. **Shoreland Zone District** -- This District is designed for the use of the municipality to protect its undeveloped or relatively undeveloped shoreline areas from development which would adversely effect water quality.~~

~~Permitted Uses: Open space uses, agricultural and timber harvesting.~~

~~Uses Permitted By Review: Campgrounds, residences, commercial uses such as marinas, and boatyards, and public buildings or utilities.~~

~~Prohibited Uses: All other commercial and industrial facilities, schools, cemeteries and waste disposal facilities other than sewage treatment facilities.~~

- ~~3. **Little Ossipee River District** -- This District is similar to the Shoreland District except that it has been modified to meet the criteria of the Saco River Corridor Commission.~~

- ~~4. **General Purpose District** -- This District is designed so that it applies to all remaining portions of the town.~~

~~Permitted Uses: Open space uses, agriculture, recreation facilities, residential uses, small commercial and industrial facilities, public buildings and schools.~~

~~Uses Permitted By Review: Campgrounds, multi-family homes, mobile home parks, large commercial and industrial facilities and waste disposal facilities.~~

~~Prohibited Uses: Uses which would create a public nuisance or health hazard, or which would be prohibited by State Law.~~

~~4.4 ARTICLE 5~~

~~Article 5 establishes minimum performance standards for a variety of different types of land use. Any or all of the standards may be incorporated into the local Zoning Ordinance. The most important standards are those dealing with sanitary provisions, filling, grading or lagooning; signs and billboards; multi family dwellings; mobile home parks; cluster development; and campgrounds. Others may be included as necessary.~~

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4.5 ~~ARTICLE 6~~

~~This Article establishes the procedures for administering and enforcing the Ordinance. It authorizes a local Code Enforcement Officer to administer and enforce the Ordinance, describes in detail the procedures an applicant must follow, authorizes the Planning Board to review special exception uses and establishes a Board of Appeals to hear and decide on appeals. This section also sets up fees for a building permit and sets fines for violators.~~

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**TOWN OF ACTON, MAINE
ZONING ORDINANCE**

Consisting of the following Districts:

1. **Resource Protection District** - This District is specifically designed to protect fragile or ecologically important areas such as swamps, bogs or wetlands.
2. **Shoreland Zone District** - This District is designed for the use of the municipality to protect its undeveloped or relatively undeveloped shoreline areas from development which would adversely effect water quality.
3. **Little Ossipee River District** - This District is similar to the Shoreland District except that it has been modified to meet the criteria of the Saco River Corridor Commission.
- ~~4. **General Purpose District** - This District is designed so that it applies to all remaining portions of the town.~~
4. **Commercial A District (Service Business)** – This District is designed to allow service, tourist oriented, and small commercial businesses.
5. **Commercial B District (Low Water Impact)** – This District is similar to the Overlay District but is designed to service the lakes and numerous summer residents. This District will also be protected with additional environmental safeguards related to water usage, impervious surfaces, and phosphorous control measures.
6. **Commercial C District (Limited Industrial)** – This District is designed to allow commercial/light industrial uses.
7. **Village District** – This District is designed to allow mixed uses, greater density, and unlimited growth.
8. **Transition District** – This District is designed as a transition zone to accommodate growth between the Village District and the Rural District, but at a lower density than the Village District.
9. **Rural District** – This District is designed for larger residential lot sizes and limited growth in a manner which preserves the rural character of the community.
10. **Critical Rural District** – This District is designed to preserve important natural resources within watershed boundaries and large undeveloped

areas surrounding undeveloped great ponds.

11. Mixed Use District – This District is designed to preserve the existing New England Village character to include a mixture of commercial and residential uses.

ARTICLE 1 - GENERAL

1.1 Short Title

This Ordinance shall be known and cited as the "Zoning Ordinance of the Town of Acton, Maine," and will be referred to herein as this "Ordinance."

1.2 Purpose

To further the maintenance of safe and healthful conditions and the general welfare, prevent and control water pollution, protect spawning grounds, fish, aquatic life, bird and other wildlife habitat, control building sites, placement of structures and land uses to protect buildings and lands from flooding and accelerated erosion, conserve shore cover, and visual as well as actual points of access to waters, to conserve natural beauty and open space, protect archeological and historic resources, to protect wetlands, and to anticipate and respond to the impacts of development in shoreland areas.

This Ordinance does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person of the necessity of complying with other applicable laws and regulations.

1.3 Basic Requirements

All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and uses of premises in the Town of Acton shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such **building, structure, land, or water** area is located. No lot shall be created which is not in conformance with this Ordinance. Permitted and conditional uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and building permit (in that order) shall be required for all buildings, uses and sanitary facilities, according to the provisions of Article 6 of this Ordinance.

1.4 Nonconformities ~~NonConforming Uses~~

1.4.1 Purpose ~~Continuance of Non-Conforming Uses~~

It is the intent of this Ordinance and specifically this Article to promote land use conformities. All buildings, whether being erected, demolished, altered, or repaired, all parcels of land, and the uses of all buildings and land in the Town must be in conformance with the provisions of this

Ordinance, except those which by the provisions of this Article become nonconforming. All buildings, parcels of land, and the uses thereof which are not in conformance with the provisions of this Ordinance are prohibited. However, non-conforming conditions and situations that legally existed before the effective date of the Ordinance or any amendment are allowed to continue, subject to the regulations set forth in this Article.

~~1.4.1.1 The use of land, building or structure, 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.~~

~~1.4.1.2 A non-conforming building or structure may be repaired, maintained or improved, but the area in non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance.~~

~~1.4.1.3 Non-conforming use may not be expanded.~~

1.4.2 Definition Discontinuance of Non-Conforming Use

Nonconformities are those buildings, parcels of land, and the uses thereof which fail to meet the current requirements of this Ordinance but which were lawful at the time of the original adoption or subsequent amendment of this ordinance and which are allowed to continue as lawful pursuant to the provisions of this Article. Specifically:

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

1.4.2.1 Nonconforming Lot

A nonconforming lot is a single lot of record which, at the time of adoption or amendment of this Ordinance, does not meet the minimum net lot area, net lot area per dwelling unit, maximum lot coverage, minimum lot width, or other similar lot requirements of the District in which it is located. It is allowed solely because it was in lawful existence as of March 9, 1974, or as of the date a subsequent amendment rendering the lot nonconforming was adopted, as evidenced by a deed on record on or before that date in the York County Registry of Deeds.

1.4.2.2 Nonconforming Building

A nonconforming building or structure is one that does not meet the minimum setback, maximum height, maximum lot coverage, or similar building requirements of the District in which it is located. It is allowed solely because it was in lawful existence as of March 9, 1974, or as of the date a subsequent amendment rendering the building nonconforming took effect.

1.4.2.3 Nonconforming Use

A nonconforming use is a use of premises that is not a permitted use in the District in which it is located, but which is allowed to remain solely because it was in lawful existence as of March 9, 1974, or as of the date a subsequent amendment rendering the use nonconforming took effect.

1.4.3 Nonconforming Vacant Lots Rule of Precedence

~~Whenever a non conforming use is superseded by a permitted use of a structure, or structure and land in combination, 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.~~

1.4.3.1 A vacant nonconforming lot of record as of the effective date of this Ordinance may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership and can meet all provisions of this Ordinance except lot size and road and shore frontage, provided that the State Minimum Lot Size Law and Subsurface Waste Disposal Rules are complied with.

In case of absence of road frontage, a driveway that accesses from a road that meets the Acton Road Standards (Level A, B, or C), and which is a deeded right of way at least 30 ft. wide, shall lead to the proposed buildings, and the building lot shall have at least one lot line of 250 ft. Variances relating to setback or other requirements of this Ordinance shall be taken to the Acton Board of Appeals.

1.4.3.2 If two or more contiguous lots are in the same ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

1.4.4 Nonconforming Lots With Buildings Transfer or Ownership

1.4.4.1 If two or more contiguous lots are in the same ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

~~Ownership of land and structures which remain lawful but become non-conforming by the adoption or amendment of this Ordinance may be~~

~~transferred and the new owner may continue the non-conforming uses subject to the provisions of this Ordinance.~~

1.4.4.2 ~~A structure built on a nonconforming lot may be repaired, maintained or improved, may be enlarged, and an accessory building may be built upon the lot in conformity with the applicable dimensional requirements.~~

1.4.5 Division of Nonconforming Lot Non-Conforming Lots of Record

No division of any lot may be made which violates any minimum space or bulk requirements of this Ordinance or which makes worse an existing nonconforming situation.

~~A non-conforming lot of record as of the effective date of this Ordinance may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership and can meet all provisions of this Ordinance except lot size and road and shore frontage.~~

~~In case of absence of road frontage, a driveway, which is a deeded right of way at least 30 ft. wide, shall lead to the proposed buildings and the building lot shall have at least one lot line of 250 ft. Variances relating to setback or other requirements of this Ordinance shall be taken to the Acton Board of Appeals.~~

~~1.4.5.1 If two or more contiguous lots or parcels are in the same ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.~~

~~1.4.5.2 If two or more contiguous lots or parcels are in the same ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.~~

1.4.6 Nonconforming Uses 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.~~

1.4.6.1 Continuance

The use of land, building or structure, 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.

1.4.6.2 Resumption

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

1.4.6.3 Discontinuance

A nonconforming use which is discontinued for a period of two years, without regard to intent to abandon, may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Ordinance.

1.4.6.4 Expansion of Use

A non-conforming building or structure may be repaired, maintained or improved, but the area in non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance.

1.4.6.5 Transfer or Ownership

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

1.4.7 Nonconforming Buildings or Structures Pending Application for Building Permits

1.4.7.1 Maintenance or Enlargement

A nonconforming structure may be repaired, maintained or improved provided the repair, maintenance or improvement does not increase the nonconformity of the structure by encroaching any further on any of the setbacks.

~~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 building permit has been made or a building permit has been issued or upon which construction shall start within 60 days after issuance of such permit.~~

1.4.7.2 Relocation

A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation

conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rules or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

1.4.7.3 Reconstruction or Replacement

Any nonconforming structure, which does not meet one or more of the required setbacks, and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any nonconforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in Section 1.4.7.2 above, the physical condition and type of foundation present, if any.

1.4.7.4 Change of Use of a Non-Conforming Structure The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding

the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management and archeological and historic resources.

1.4.7.5 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.

1.4.7.6 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 building permit has been made or a building permit has been issued or upon which construction shall start within 60 days after issuance of such permit.

1.4.7.7 Expansion in Shoreland or Resource Protection District

- a. After January 1, 1989, if any portion of a dwelling is less than the required setback from the normal high water line of a water body or upland edge of a wetland, that portion of the dwelling shall not be expanded more than 30% by volume and nor more than 30% by square footage during the lifetime of the structure.
- b. Construction or enlargement of a foundation beneath the existing dwelling shall not be considered an expansion of the structure provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection 1.4.8.2 below; that the completed foundation does not extend beyond the exterior dimensions of the structure and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.
- c. No structure which is less than the required setback from the normal high water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream or wetland.

1.4.8 Non-Conforming Structures

1.4.8.1 EXPANSIONS:

~~A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, providing such addition or expansion does not increase the non-conformity of the structure by encroaching any further on any of the~~

setbacks.

FURTHER LIMITATIONS:

~~a. — After January 1, 1989, if any portion of a dwelling is less than the required setback from the normal high water line of a water body or upland edge of a wetland, that portion of the dwelling shall not be expanded more than 30% by volume and nor more than 30% by square footage during the lifetime of the structure.~~

~~b. — Construction or enlargement of a foundation beneath the existing dwelling shall not be considered an expansion of the structure provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection 1.4.8.2 below; that the completed foundation does not extend beyond the exterior dimensions of the structure and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.~~

~~c. — No structure which is less than the required setback from the normal high water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream or wetland.~~

1.4.8.2 Relocation

~~A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rules or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.~~

~~In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.~~

1.4.8.3 Reconstruction or Replacement

~~Any non-conforming structure, which does not meet one or more of the required setbacks, and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage,~~

~~destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.~~

~~Any non conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer.~~

~~In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in Section 1.4.8.2 above, the physical condition and type of foundation present, if any.~~

~~1.4.8.4 Change of Use of a Non-Conforming Structure~~

~~The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use.~~

~~In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management and archeological and historic resources.~~

1.5 Validity and Severability

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

1.6 Conflict with Other Ordinances

This Ordinance shall not repeal, annul, or in any way impair or remove ~~the necessity or 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.

1.7 Amendment

Any amendment to this Ordinance may only be adopted by a majority vote at a special or regular town meeting. This A proposal for an amendment to this Ordinance may be amended as follows initiated by:

- a. By a majority vote of the governing body if the proposed amendment is recommended by the Planning Board. Majority vote of the Planning Board.
- b. By 2/3 majority vote of the governing body if the proposed amendment is not recommended by the Planning Board. The Board of Selectmen.
- c. An individual, through a request to the Planning board who then may initiate only by a majority vote; or
- d. A written petition of a number of the voters equal to at least 10% of the vote cast in the last gubernatorial election.

In ~~any~~^{either} case(s), the Planning Board shall hold a public hearing at least 30 days prior to the meeting of the governing body. Pursuant to M.R.S.A. 30A Section 4352, ~~n~~Notice of the hearing shall be posted in the town office at least 14 days before the hearing, and at least two (2) times in 10 days in advance in a newspaper of general circulation in the area. The date of the first publication must be at least 12 days before the hearing, and the date of the second publication must be at least 7 days prior to the hearing. If the amendment constitutes a change in zoning district boundaries or other amendment which would permit prohibits commercial, or industrial or retail uses where previously prohibited, or prohibits all such uses where previously permitted, notice of the hearing shall be mailed to all owners of all property that is within or abutting an area affected by the proposed amendment. The Planning Board must maintain a list of the names and addresses of the persons to whom notice was sent. Notice of the hearing shall be mailed at least 14 days before the hearing to all owners of property in and abutting the area to be rezoned. The notice shall contain a map indicating the property to be rezoned.

1.8 Repetitive Petitions

No proposed change in this Ordinance which has been unfavorably acted upon by the governing body shall be considered on its merits by the governing body within ~~two (2)~~ one (1) years after the date of such unfavorable action unless adoption of the proposed change is recommended by unanimous vote of the Planning Board, or requested by a petition signed by a number of required voters in the town at least 10% the number of votes cast in the last gubernatorial election.

1.9 Effective Date

This Ordinance, was originally adopted by the municipal legislative body on March 9, 1974 and amended most recently on June 5, 2004. Except as provided, amendments shall take effect upon adoption by the Town Meeting.

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Amendments to any provision effecting the Shoreland District shall not be effective unless approved by the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Department of Environmental Protection for approval. If the Department of Environmental Protection fails to act on the amendment within forty-five (45) days of its receipt of the amendment, it shall be deemed approved.

Notwithstanding the provision of Section 1.4.7, any application for a permit within the Shoreland District submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if the amendment is approved by the Department of Environmental Protection.

ARTICLE 2 - ESTABLISHMENT OF DISTRICTS

2.1 Zoning Districts

Districts are located and bounded as shown on the Official Zoning Map which is a made a part of this ordinance. There may, for purpose of clarity, necessitated by reasons of scale on the map, be more than one Official Zoning Map. The Shoreland, Resource Protection, Little Ossipee District, and Aquifer Protection boundaries are determined by the terms of the sections creating those districts, and any delineation of them on the Official Zoning Map shall be for reference only and shall not supersede or modify such boundaries as created in those sections. To implement the provisions of this Ordinance, the Town of Acton is hereby divided into the following Districts:

2.1.1 Resource Protection District

2.1.2 Shoreland District

2.1.3 Little Ossipee District – extends to all land areas within 750 ft. from the normal high water mark of Balch Pond and the Little Ossipee River.

2.1.4 Commercial A District (Service Business)

2.1.5 Commercial B District (Low Water Impact)

2.1.6 Commercial C District (Limited Industrial)

2.1.7 Village District:

2.1.8 Transition District

2.1.9 Rural District

2.1.10 Critical Rural District

2.1.11 Mixed Use District

2.2 Location of Districts

Said Districts are located and bounded as shown on the Official Zoning Map ~~consisting of two pages~~, entitled "Zoning Map of Acton, Maine," dated **INSERT DATE OF TOWN MEETING**] and on file in the office of the Municipal Clerk. The Official Map shall be signed by the Municipal Clerk and Chairman of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment. Additional copies of this Map may be seen in the Office of the Selectmen, or Code Enforcement Office.

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:

2.3.1 Boundaries indicated as approximately following the center lines of street, highways, ~~or~~ alleys, or streams shall be construed to follow such center lines.

2.3.2 Boundaries indicated as approximately following well-established lot lines shall be construed as following such lot lines.

2.3.3 Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.

2.3.4 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 line.

2.3.5 Boundaries indicated as being parallel to or extensions of features indicated in subsections (1) through (4) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

~~**2.3.6** Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) through (5) above, the Board of Appeals shall interpret the district boundaries.~~

2.3.6 Sources for the exact delineation of the Special Flood Hazard areas shall be the Acton Flood Insurance Rate Map dated April 1, 1987 by FEMA or the most recent duly adopted amendment.

2.3.8 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) through (6) above, the Board of Appeals shall interpret the district boundaries.

2.4 Division of Lots by District Boundaries

2.4.1 Where a zoning district boundary line, other than a boundary line of the Resource Protection Districts, Little Ossipee River District, or Shoreland District, 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 fifty (50) feet into the more restricted portion of the lot, subject to the provisions of Section 2.4.2 below.

2.4.2 Extension of use shall be considered a conditional use, subject to approval of the Planning Board and in accordance with the criteria set forth in Paragraph 6.7.3.7.

2.5 General Lot Standards

2.5.1 All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along with intersecting street lines.

2.5.2 No portion of a building shall exceed thirty-five (35) feet in height except chimneys. Features of detached accessory buildings may exceed thirty-five (35) feet in height, but shall be set back from the nearest lot line a distance not less than the height of such structure, unless a greater setback is required by other provisions of this Ordinance.

2.5.3 ~~Flag and other odd shaped lots must meet the minimum lot size and the diameter as set forth in this Ordinance.~~ Flag and other odd shaped lots in which narrow strips are joined to other parcels in order to meet lot size requirements are prohibited.

2.5.4 Any new lot shall meet minimum road frontage requirements for the district in which the frontage is located, and the road frontage must be based on the horizontal distance between the intersections of the side lot lines with the front lot line along a road that meets the Town of Acton Road Standards (Level A, B, or C).

2.6 LAND USE CHART

KEY

- P=Permitted
- C=Conditional
- N=Non Permitted
- R=CEO Review
- S=Site Plan Review
- *=Subdivision Review

ANY USE NOT LISTED HEREIN IS PROHIBITED

RURAL USES

Open Space Use

Agriculture (commercial)

Gardening

Forest Management Activities (Silviculture)

Timber Harvesting for Commercial

Sale of produce and plants raised on the premises, or seasonal sales of produce and plants not raised on the premises.

Public or private recreation facilities including parks, playgrounds, golf courses, driving ranges and swimming pools (does not include residential uses)

Campgrounds

	Zones										
	Village Area	Transition Area (2-acre)	Rural Area (3-acre)	Critical Rural Area (5-acre)	Commercial Zone A	Commercial Zone B	Commercial Zone C	Mixed Use	Resource Protection	Shoreland	Little Ossipee
Open Space Use	P	P	P	P	N	N	N	N	P	P	P
Agriculture (commercial)	C	P	P	P	P	P	P	P	N	N	N
Gardening	P	P	P	P	P	P	P	P	P	P	P
Forest Management Activities (Silviculture)	P	P	P	P	P	P	P	P	P	C	P
Timber Harvesting for Commercial	P	P	P	P	P	P	P	P	C	C	C
Sale of produce and plants raised on the premises, or seasonal sales of produce and plants not raised on the premises.	P	P	P	P	P	P	P	P	N	P	C
Public or private recreation facilities including parks, playgrounds, golf courses, driving ranges and swimming pools (does not include residential uses)	S	S	S	N	S	S	S	S	N	N	N
Campgrounds	N	S	S	N	N	N	N	N	N	N	N

Mineral Extraction

Commercial or springwater extraction

Nature preserves and trails

Structures and uses accessory to permitted uses

Structures and uses accessory to conditional uses

RESIDENTIAL STRUCTURES AND USES

Single family dwelling

Two family dwelling

Multi-family dwelling

Planned unit development or cluster development

Mobile Home Parks

Home Occupation

Structures and uses accessory to permitted uses

Structures and uses accessory to conditional uses

COMMERCIAL AND INDUSTRIAL

Planned unit development or cluster development

Facilities offering food and beverages prepared on the premises - sit down

	Zones										
	Village Area	Transition Area (2-acre)	Rural Area (3-acre)	Critical Rural Area (5-acre)	Commerical Zone A	Commerical Zone B	Commerical Zone C	Mixed Use	Resource Protection	Shoreland	Little Ossipee
Mineral Extraction	N	C	C	C	N	N	N	N	N	N	N
Commercial or springwater extraction	N	N	S	S	N	N	N	N	N	N	N
Nature preserves and trails	S	S	S	S	S	S	S	S	S	S	S
Structures and uses accessory to permitted uses	P	P	P	P	P	P	P	P	N	C	P
Structures and uses accessory to conditional uses	C	C	C	C	C	C	C	C	C	C	C
RESIDENTIAL STRUCTURES AND USES											
Single family dwelling	P	P	P	P	P	P	P	P	N	P	C
Two family dwelling	C	C	C	C	C	C	C	C	N	C	C
Multi-family dwelling	S	S	S	S	N	N	N	S	N	N	N
Planned unit development or cluster development	*	*	*	*	N	N	N	*	N	N	N
Mobile Home Parks	N	S	N	N	N	N	N	N	N	N	N
Home Occupation	R	R	R	R	R	R	R	R	N	C	C
Structures and uses accessory to permitted uses	P	P	P	P	P	P	P	P	N	C	C
Structures and uses accessory to conditional uses	C	C	C	C	C	C	C	C	C	C	C
COMMERCIAL AND INDUSTRIAL											
Planned unit development or cluster development	S	S	S	N	S	S	S	S	N	N	N
Facilities offering food and beverages prepared on the premises - sit down	S	S	S	N	S	S	S	S	N	N	N

Facilities offering food and beverages prepared on the premises - drive through/take out

Auto service stations

Auto repair garages

Automobile graveyards and junkyards

Kennels and animal care facility

Medical treatment facility or rehabilitation facility

Nursing facility, residential care facility or congregate care facility

Professional and business services having less than 2,500 square feet of gross floor area

Professional and business services having 2,500 square feet or more of gross floor area (does not include home occupation)

Child day care

Child care facility

Facilities not listed above having less than 2,500 square feet of gross floor area (not including home occupation)

Facilities, which by the nature of their operation require a shorefront location, such as boatyards, marinas, and commercial fishing facilities

	Zones										
	Village Area	Transition Area (2-acre)	Rural Area (3-acre)	Critical Rural Area (5-acre)	Commercial Zone A	Commercial Zone B	Commercial Zone C	Mixed Use	Resource Protection	Shoreland	Little Ossipee
Facilities offering food and beverages prepared on the premises - drive through/take out	N	N	N	N	S	S	S	S	N	N	N
Auto service stations	N	N	N	N	S	N	S	S	N	N	N
Auto repair garages	N	N	N	N	S	N	S	S	N	N	N
Automobile graveyards and junkyards	N	N	N	N	N	N	S	N	N	N	N
Kennels and animal care facility	N	S	S	N	S	S	S	S	N	N	N
Medical treatment facility or rehabilitation facility	S	S	S	N	S	S	S	S	N	N	N
Nursing facility, residential care facility or congregate care facility	S	S	S	N	S	S	S	S	N	N	N
Professional and business services having less than 2,500 square feet of gross floor area	C	C	C	N	C	C	C	C	N	N	N
Professional and business services having 2,500 square feet or more of gross floor area (does not include home occupation)	S	S	N	N	S	S	S	S	N	N	N
Child day care	C	C	C	C	C	C	C	C	N	C	N
Child care facility	C	C	C	N	C	C	C	C	N	N	N
Facilities not listed above having less than 2,500 square feet of gross floor area (not including home occupation)	N	N	N	N	S	S	S	S	N	N	N
Facilities, which by the nature of their operation require a shorefront location, such as boatyards, marinas, and commercial fishing facilities	N	N	N	N	N	N	N	N	N	S	N

PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL

Church or other places of worship, parish house, convent and other religious institutions

Public buildings such as libraries, museums or civic centers

Public, private and parochial school

Cemeteries

Utilities including sewage collection

Water and sewage treatment facilities

Municipal Buildings

OTHER USES

Piers and docks not requiring a Conditional Use Permit

Signs

Billboards

Filling, grading or other earth moving activity less than 10,000 cubic yards

Filling, grading or other earth moving activity more than 10,000 cubic yards

Uses and structures accessory to conditional uses

	Zones										
	Village Area	Transition Area (2-acre)	Rural Area (3-acre)	Critical Rural Area (5-acre)	Commercial Zone A	Commercial Zone B	Commercial Zone C	Mixed Use	Resource Protection	Shoreland	Little Ossipee
Church or other places of worship, parish house, convent and other religious institutions	S	S	S	N	S	S	S	S	N	N	N
Public buildings such as libraries, museums or civic centers	S	S	S	N	S	S	S	S	N	N	N
Public, private and parochial school	S	S	S	N	N	N	N	S	N	N	N
Cemeteries	C	C	C	C	N	N	N	C	N	N	N
Utilities including sewage collection	S	S	S	S	S	S	S	S	S	S	S
Water and sewage treatment facilities	S	S	S	N	S	S	S	S	N	N	N
Municipal Buildings	S	S	S	S	S	S	S	S	N	N	N
Piers and docks not requiring a Conditional Use Permit	N	N	N	N	N	N	N	N	N	R	R
Signs	C	C	C	C	C	C	C	C	N	C	N
Billboards	N	N	N	N	S	S	S	S	N	N	N
Filling, grading or other earth moving activity less than 10,000 cubic yards	P	P	P	P	P	P	P	P	N	N	N
Filling, grading or other earth moving activity more than 10,000 cubic yards	N	C	C	C	C	C	C	C	N	N	N
Uses and structures accessory to conditional uses	C	C	C	C	C	C	C	C	C	C	C

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Uses which are similar to conditional uses

Boat Yard (non-shorefront)

Zones										
Village Area	Transition Area (2-acre)	Rural Area (3-acre)	Critical Rural Area (5-acre)	Commercial Zone A	Commercial Zone B	Commercial Zone C	Mixed Use	Resource Protection	Shoreland	Little Ossipee
C	C	C	C	C	C	C	C	C	C	C
N	N	N	N	S	S	S	S	N	S	N

ARTICLE 3 - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

3.1 Construction of Language

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

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as any 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 case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

3.2 Definitions

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

Abutting Property: Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

Accessory Use or Structure: a use or structure of a nature customarily incidental and subordinate to those of the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

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

Alteration: 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.

Animal Care Facility: Veterinarian service establishments which primarily diagnose animal diseases and injuries, dispense medications and perform surgery.

Aquifer: a water bearing geologic formation capable of yielding a usable amount of

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groundwater to a well.

Arterial: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

Auto Service Station: a place where gasoline, or any other automobile engine fuel (store 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; overall painting and undercoating of automobiles.

Automobile Graveyard: a yard, field or other area used as a place of storage for three (3) or more unserviceable, discarded, worn out or junked 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 six (6) square feet which is available for advertising purposes for goods or services rendered off the premises, excluding directional signs.

Boat Launching Facility: a facility designed primarily for the launching and landing of watercraft, and what may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Boatyard: commercial operation for the sales, service, repair and storage for all types of watercraft.

Boathouse: a non-residential structure designed for the purpose of storing boats for non-commercial purposes.

Building: a permanent structure, having one or more floors and a roof, which is built for the support, shelter or enclosure of persons, animals, goods or property of any kind. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

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

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Building Footprint: The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level.

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.

Child Care Facility: a commercial enterprise registered by the State of Maine Department of Health and Human Services for the care of children by the day.

Child Day Care: a private home registered with the State of Maine Health and Human Services to provide child care by the day.

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

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

Collector Street: A street that collects traffic from local streets and connects with arterials or a street or road functionally classified as a collector by the Maine Department of Transportation.

Commercial or Industrial Groundwater Extraction: removal of groundwater from the subsurface by pumping or other means for commercial or industrial use.

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

Congregate Care Facility: a building or group of buildings containing private apartments and central dining facilities and within such supportive services, including medical or social services, are provided to the residents. Such facilities include only those certified by the State of Maine Department of Health and Human Services.

Constructed: includes built, erected, reconstructed, moved upon, or any physical

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operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

Convey: to sell, lease, rent, give, or allow occupancy of a dwelling unit

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

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

Driveway: a vehicular access-way serving two dwelling units or less.

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

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums, but shall not include 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.

Eutrophication: the process of nutrient enrichment of water bodies.

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

Expansion or enlargement of a Structure: an increase in the floor area, or volume, building footprint or height of a structure, including all extensions such as, but not limited to attached: decks, garages, porches, and greenhouses. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

Expansion or enlargement of Use: the addition of days, weeks or months to a uses' operating season; additional hours of operation; or the use of more floor area, or ground

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area, footprint or height devoted to a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

Family: one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, related by blood or marriage.

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

Flood: a temporary rise in stream flow or tidal surge that results in water overtopping its banks and inundating adjacent areas.

Flood Plain: Special Flood Hazard Area as designated on the Flood Insurance Rate Map for Acton, Maine, prepared by the Federal Emergency Management Agency, dated December 5, 1984.

Floodway: the channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream.

Flood Proofing: a combination of structural provisions, changes, or adjustments to properties subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings.

Floor Area, Gross: the sum, in square feet, of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest Management Activities: timber cruising and other forest resource evaluation activities, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forested Wetlands: a wetland dominated by wooded vegetation that is 20 feet tall or taller.

Foundation: the supporting substructure of a building or other structure including, but not limited to, basements, slabs, sills, posts or frost walls.

Freestanding Stairs: an open, low impact stairway used to gain access to the shoreline or a residence, exempt from the road and water setbacks and follow other criteria set forth in Section 5.1.2 of this ordinance.

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

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Frontage, Street/Road: the horizontal distance between the intersections of the side lot lines with the front lot line along the road or street.

Functionally Water-Dependent Uses: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, waters and which cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational boating facilities, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site and uses which primarily provide general public access to waters.

Generator: any person whose act or process produces a solid waste or whose act first causes a solid waste to be subject to regulation.

Grade, in Relation to Buildings: the average of the finished ground level at the center of all walls of a building.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed or increase inland body of water is completely surrounded by land held by a single owner.

Groundwater: the subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

Growth Permit Application: an application designed to collect information about proposed residences, to be used as a basis for rating them for approval

High Waterline, Normal: around great ponds and wetlands, the elevation where vegetation changes from predominantly aquatic to predominantly terrestrial; and along rivers and streams, the highest elevation on the bank of a channel at which the water has left a definite mark. In the case of wetlands adjacent to rivers and great ponds the normal high water line is the upland edge of the wetland, and not the edge of the open water.

Historic or Archaeological Resources: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan.

Home Occupation: an occupation or profession which is: customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes.

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Impervious Surface: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

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

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

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous materials; and
4. Garbage dumps, waste dumps and sanitary fills.

Kenel: any place, building, tract of land, abode, enclosure or vehicle which for compensation, provides food and shelter or other services for six (6) or more domestic animals for purposes not primarily related to medical care where more than three (3) dogs more than six (6) months old are kept for sale, training, boarding and/or breeding.

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

Level of Service (LOS): A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 2000 Edition, published by the National Research Council, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Local Street: A public street or road which is not identified as an arterial or collector. A local street includes a proposed street shown on an approved and recorded subdivision.

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

Lot Area: the total horizontal area within the lot lines, minus land below the normal high water line of a water body or upland edge of a wetland and areas beneath roads

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serving more than two lots.

Lot, Corner: a lot with at least two contiguous sides, each abutting upon a street. All corner lots must meet all highway and street setbacks.

Lot, Coverage: the percentage of the plot or lot covered by all structures, parking lots and other non-vegetated surfaces.

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 street. On a corner or through lot, the lines separating the lot from both streets.

Rear Lot Line: the lot line opposite the front lot line. On a lot point at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot lines, 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 setback line.

Lot of Record: a parcel of land, the dimensions of which is shown on a document or map on file with the County Registrar of Deeds or in common use by City or County Officials.

Lot, Shorefront: any lot abutting a waterbody or wetland.

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

Manufactured Housing Unit: a structure, transportable in one or two sections which was constructed in a manufacturing facility and was transported to a building site and designed to be used as a dwelling.

~~**Manufactured Home Park:** a parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.~~

Marina: a shorefront commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

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Mineral extraction: any operation which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Mobile home: a structure, transportable in one or more sections, which, in accordance with MRSA Title 10, Chapter 953: is 8 body feet or more in width and 32 body feet or more in length; and is built on a permanent chassis; and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and includes the plumbing, heating, air- conditioning and electrical systems contained in the structure

Mobile home park: any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate 2 or more mobile homes, in accordance with MRSA Title 10, Chapter 953.

Multi-family Residence: a building designed for occupation by three (3) or more families in dwelling units that are contiguous.

Natural Areas and Natural Communities: Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the municipality's comprehensive plan.

Net Residential Acreage: the gross acreage available for development, excluding the area for streets or access, and the areas which are unsuitable for development, which includes wetland soils, slopes exceeding 25%, and soils classified as being very poorly drained.

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

Non-Conforming Lot: a lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet one or more of the dimensional requirements.

Non-Conforming Structure: a structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage.

Non-Conforming Use: the use of buildings, structure, premises, land or parts thereof which is not permitted in the district in which it is situated.

Nursing Care Facility: a facility licensed by the State, which provides skilled nursing care and medical supervision to persons who are unable to care for themselves.

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

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

Planned Unit Development: land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including street, 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: 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.

Private Right-of-Way: an area over which a legal right of passage exists for one or more individuals.

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

Recharge Area: Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

Recreational Vehicle: a vehicle or an 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. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be registered with a State Division of Motor Vehicles.

Rehabilitation Facility: an establishment where persons stay temporarily to restore their condition to good health.

Residential Care Facility: a boarding and care facility providing room and meals and assistance for personal needs.

Residual: solid wastes generated from municipal, commercial or industrial facilities that may be suitable agronomic utilization. These materials may include: food, fiber,

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vegetable and fish processing wastes; dredge material, sludges; dewatered septage; and ash from wood or sludge fired boilers.

Resource Protection District: the land areas meeting the definition of Resource Protection District set forth in Section 4.1 of this Ordinance.

Riprap: rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) vertical or less.

River: the Salmon Falls River.

Seasonal Use: the occupancy, habitation, or use of a structure for less than seven months in a calendar year.

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

Setback from Water: the minimum horizontal distance from the normal high water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shoreland Zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high water line of any great pond, or river, within two hundred (250) feet of the upland edge of a wetland; or within seventy-five (75) feet of the normal high water line of a stream.

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.

Sludge: non-hazardous solid, semi-solid or liquid residual generated from a municipal, commercial or industrial wastewater treatment plan, water supply treatment plant or wet process air pollution control facility or any other such waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Act as amended.

Spring Water Extraction: removal for commercial use of groundwater that comes to the surface under natural hydraulic pressure for at least six months of the year.

Stream: a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted by a blue line on the most recent edition of a United States Geological Survey 7.5 minutes series topographic map to the point where the body of water becomes a river.

Street/Road: Public and private ways such alleys, avenues, highways, roads and other

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rights of way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Structure: anything constructed or erected, except a boundary wall or fence, the use of 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 (3) or more lots, in a five (5) year period, for the purpose, immediate or future, of lease, sale, development or building, whether this division is accomplished by platting of the land or by sale of the land by metes and bounds. The term subdivision shall include the subdivision of land for non-residential purposes, mobile home parks and the re-subdivision of land.

Subdivision, Minor: any subdivision containing 3 divisions or fewer and in which no street is proposed.

Subdivision, Major: any subdivision containing 4 or more divisions, or any subdivision containing a proposed street.

Substantially Commenced; Substantially Completed: Construction shall be considered to be substantially commenced when any work beyond the state of excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum it shall include the completion of no less than [seventy (70)] percent of the costs of the proposed improvements within a development and shall include permanent stabilization and/or revegetation of areas of the site that were disturbed during construction.

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

Timber Harvesting, Commercial: all timber harvesting activity that does not meet the definition of Timber Harvesting for personal use.

Timber Harvesting for Personal Use: the harvesting of ten cords or less per year, or up to ten thousand (10,000) board feet of lumber per year.

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

Tributary Stream: channel between defined banks created by the action of surface

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water, whether intermittent or perennial and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the Shoreland Zone of the receiving water body or wetland.

Unserviceable Motor Vehicle: an automobile which is not registered, insured, and inspected for legal use on public streets.

Upland Edge: the boundary between upland and wetland.

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.

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, would promote the purposes of this Ordinance. Such uses may be permitted if specific provision for such conditional uses is made in this Ordinance.

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

Variance: a relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of a variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case. As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in adjoining zoning districts.

Vegetation: all live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Volume of a Structure: the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water Body: any great pond, river, or stream.

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Water Crossing: any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Wetlands, Freshwater: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Wetlands Associated with Great Ponds and Rivers: wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separate from the great pond or river by a berm, causeway, or similar feature less than one hundred (100) feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Wildlife Habitat, Significant Wildlife Habitat: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the municipality's comprehensive plan.

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. Both through and corner lots shall be considered as having two front lot lines and two front yards.

Yard, Rear: the area of land between the rear 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.

Year-Round Use: the occupancy, habitation, or use of a structure for seven months or more in a calendar year.

4.1 RESOURCE PROTECTION DISTRICT

4.1.1 PURPOSE

To protect the natural resources of the Town most vulnerable to degradation, including floodplains, wetlands, and unusual plants and animals.

4.1.2 DEFINITION

4.1.2.1 All wetlands ten (10) acres or more.

~~4.2.2.2 Deleted~~

~~4.2.2.3 Deleted~~

4.1.2.24 All land areas within two hundred fifty (250) feet, horizontal distance, from the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, and forested wetlands, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife.

4.1.2.35 Floodplains within two hundred fifty (250) feet of rivers and any special flood hazard area as shown on the Flood Insurance Rate Map provided by FEMA for the Town of Acton or whichever is more restrictive.

4.1.2.46 Land areas of two or more contiguous undeveloped acres with sustained slopes of 20% or greater ~~within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any great pond, or river.~~ No buffer area is required.

4.1.2.57 Land areas of two or more contiguous acres ~~within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any great pond or river~~ supporting wetland vegetation and hydric soils, which are not part of a wetland, and which are not surficially connected to a water body during normal spring high water using a multiplier of twenty-five (25) feet times the acreage within the buffer. Example: An area of two (2) acres would have a buffer of fifty (50) feet.

4.1.2.68 Land areas along rivers and streams subject to severe bank erosion, undercutting, or river bed movement. There shall be a buffer of 250 ft. along rivers and a buffer of 75 ft. along streams.

4.1.3 ~~PERMITTED USES~~

~~The following uses are permitted in the Resource Protection District.~~

4.1.3.1 Rural

~~Open space use
Forest Management activities
Timber Harvesting for personal use~~

4.1.3.2 Other

~~Piers and docks not requiring a Conditional Use Permit
Signs
Individual Private Campsites~~

4.1.4 ~~CONDITIONAL USES~~

~~The following uses may be allowed only upon the granting of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6 of this Ordinance.~~

4.1.4.1 Rural

~~Agriculture and gardening
Timber Harvesting for commercial use
Structures accessory to permitted or conditional uses upon a finding of the Planning Board that the proposed structure will involve:~~

- ~~a. — No danger to the public health and safety;~~
- ~~b. — No significant degradation of air and water quality;~~
- ~~c. — No alteration of wetlands;~~
- ~~d. — No significant increase in erosion or sedimentation; and,~~
- ~~e. — No significant interference with the natural, scenic and historic value of those areas designated by federal, state, or municipal agencies and approved for inclusion within this District.~~

4.1.4.2 Accessory Uses

~~Uses which are similar to the above.~~

4.1.5 ~~PROHIBITED USES~~

~~The following uses are prohibited in the Resource Protection District.~~

4.1.5.1 Residential

~~Residential structures and uses~~

4.1.5.2 Commercial and Industrial

~~Commercial and industrial structures and uses~~

4.1.5.3 Public, Semi-Public, and Institutional

~~Public, semi-public, and institutional structures~~

4.1.5.4 Other

~~Billboards~~

~~All other uses except piers and docks, and signs~~

4.1.6 DIMENSIONAL REQUIREMENTS

4.1.6.1 No portion of any lot created after the effective date of adoption or amendment of this Ordinance and lying within the Resource Protection District may be used to meet the dimensional requirements of other Districts in which the remainder of the lot is situated. ~~Where a residential structure is in existence on the effective date of adoption or amendment of this Ordinance, no lot containing such structure shall be created which does not meet the Dimensional requirements of the Shoreland District, and which does not contain a minimum of ninety thousand (90,000) square feet.~~

4.1.6.2 ~~Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.~~

~~4.1.7 PERFORMANCE STANDARDS~~

~~Permitted uses, and uses permitted by conditional use, shall conform to the following performance standards delineated in Article 5 of this Ordinance.~~

~~Accessory buildings
Agriculture
Clearing of vegetation for development
Forest Management activities
Piers, docks, and other shoreland construction
Signs
Timber Harvesting for commercial use
Water quality protection~~

4.2 SHORELAND DISTRICT

4.2.1 PURPOSE

4.2.1.1 To further the maintenance of safe and healthful conditions and the general welfare; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; and conserve shore cover, visual as well as actual points of access to inland and coastal water and natural beauty.

4.2.1.2 To control the use and development of undeveloped shoreland areas, and to provide maximum protection to the land and water resources so that:

- (a) The processes of eutrophication, sedimentation, and pollution, leading to the ultimate degradation or

destruction of the water body, will be eliminated or delayed as long as possible;

- (b) The process of accelerated nutrient enrichment of waterbodies, which almost always accompanies shoreland development, will be kept to a minimum; and,
- (c) Waterbodies, particularly those with public access, will be maintained in a condition fit for the present and future use and enjoyment of the public.

4.2.1.3 To provide minimum standards, as a stopgap measure, until such time as research establishes precisely the susceptibility of various waterbodies to degradation, and the exact nature of the effects of shoreland development on that degradation process.

4.2.1.4 To enhance the enjoyment and use of waterbodies through the protection of fish and aquatic life from destruction that results from advanced stages of man-induced eutrophication.

4.2.1.5 To minimize expenditures of public monies for flood control projects.

4.2.1.6 To minimize rescue and relief efforts undertaken at the expense of the general public.

4.2.1.7 To minimize floodway damage to public facilities such as water main, sewer lines, streets and bridges.

4.2.1.8 To protect the storage capacity of flood plains and assure retention of sufficient floodway area to convey flood flows which reasonably can be expected to occur.

4.2.1.9 To encourage open space uses such as agriculture and recreation.

4.2.1.10 To control building sites.

~~4.2.2 PERMITTED USES~~

~~The following uses are permitted in the Shoreland District.~~

~~APPLICATION FOR PERMIT~~

~~A Conditional Use Permit application shall be made as follows:~~

~~**a.** Any construction or repair in the Shoreland Zone requires a Shoreland Zone Permit.~~

~~**b.** Any new construction within 100 feet of the high water mark which requires a Conditional Use Permit by the Planning Board, the Code Enforcement Officer, at his discretion, may~~

~~exempt this requirement for a Conditional Use Permit.~~

4.2.2.1 RURAL

~~Open space use
Agriculture and gardening
Forest Management activities
Timber Harvesting for personal use
Accessory uses and structures~~

4.2.2.2 OTHER

~~Individual Private Campsites
Filling, grading or other earth moving activity operated in
accordance with existing state laws and local Ordinances.
Piers and docks not requiring a Conditional Use Permit.
Signs~~

4.2.2.3 RESIDENTIAL

~~One single family dwelling per lot~~

4.2.3 CONDITIONAL USES

The following uses as shown on the land use chart may be allowed only upon the granting of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6 of this Ordinance.

CONDITIONS OF PERMIT

The Planning Board may issue a permit providing the following conditions shall be met.

The proposed activity shall not:

- a. Unreasonably interfere with existing recreational and navigation uses, nor unreasonably alter scenic and aesthetic qualities.
- b. Unreasonably interfere with or harm the natural environs of any lake, pond, tributary stream or river nor harm any fish or wildlife habitat.
- c. Cause unreasonable soil erosion nor lower the quality of any waters.
- d. Unreasonably alter the natural flow or storage capacity of any waterbody.
- e. Create or cause to be created unreasonable noise or traffic of any kind.

4.2.3.1 RURAL

~~Sale of produce and plants raised on the premises, or seasonal sales of produce and plants not raised on the premises.~~

~~Public or private recreation facilities including parks, playgrounds,
golf courses, driving ranges, and swimming pools.
Campgrounds
Accessory uses and structures
Uses which are similar to the above uses~~

4.2.3.2 RESIDENTIAL

~~Attached Two family dwelling
Multi family dwelling
Planned unit development or cluster development
Manufactured Housing Parks
Timber Harvesting for commercial use
Home Occupation~~

**4.2.3.3 COMMERCIAL AND INDUSTRIAL USES REQUIRING A
SHOREFRONT LOCATION**

~~Facilities which by nature of their operation require a shorefront
location.
Such facilities shall include, but are not limited to, boatyards,
marinas, bath houses, and commercial fishing facilities.
Accessory uses and structures.~~

4.2.3.4 PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL

~~Church or other place of worship, parish house, rectory, convent,
and other religious institutions.
Public buildings such as libraries, museums, civic centers.
Utilities, including sewage collection and treatment facilities.
Accessory uses and structures
Uses which are similar to the above uses~~

4.2.4 PROHIBITED USES

Mineral Extraction, Commercial or Industrial Groundwater Extraction,
and uses that are not specifically allowed as permitted uses or conditional
uses are prohibited in the Shoreland District.

4.2.5 DIMENSIONAL REQUIREMENTS

4.2.5.1 Residential Uses

Minimum Lot Size per dwelling unit	40,000 <u>90,000</u> sq. ft.
Minimum Road Street Frontage per dwelling unit	150 <u>250</u> feet
Minimum Shore Frontage per dwelling unit	200 <u>250</u> feet

Commercial, Industrial, and Institutional Uses

Minimum Lot Size	60,000 <u>90,000</u> sq. ft.
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Minimum Road or Street Frontage 150 ~~300~~ feet
Minimum Shore Frontage 300 feet

- a. If ~~a~~ shorefront privileges ~~are~~ is conveyed to ~~a~~ lots not having shore frontage then the dimensions of the grantor lot to which the rights have been conveyed must meet the above standards with an additional width of twenty-five (25) feet on the shore for the depth of the grantor lot ~~and one hundred (100) feet in depth for each privilege conveyed.~~ This standard shall be met for each shorefront privilege that is conveyed. This also applies to any shore rights given in connection with or campgrounds.
- b. ~~The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.~~

4.2.5.2 STRUCTURE REQUIREMENTS

All structures shall meet the following minimum requirements:

- a. Setback from normal high water line or upland edge: one hundred (100) feet from a great pond; seventy-five (75) feet from a river, stream, wetland, or tributary stream.
- b. Setback from street: seventy-five (75) feet from center line of street except on undersized lots of record as of March 9, 1974, in which case the setback may be no less than fifty (50) feet from the centerline of the street.
- c. Setback from side or rear lot lines: twenty-five (25) feet, ~~except on undersized lots of record in existence prior to March 9, 1974, in which case a ten (10) foot minimum setback shall be maintained.~~
- d. Maximum of ~~non-vegetative~~ lot coverage: 20~~10~~%.

~~4.2.5.3 VISIBILITY AT CORNER LOTS~~

~~All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along with intersecting street lines.~~

~~4.2.5.4 BUILDING HEIGHT~~

~~No residential, commercial, industrial or institutional structure shall exceed two and one half stories or 35 feet in height. All other structures exceeding 35 feet in height shall be set back from the nearest lot line a minimum of one foot for each foot of building height, unless a greater setback is required by other provisions of this Ordinance.~~

~~4.2.6 PERFORMANCE STANDARDS~~

~~Permitted uses and uses permitted by conditional uses shall conform to the following performance standards delineated in Article 5 of this Ordinance:~~

~~Accessory buildings
Agriculture
Campgrounds
Elevation of buildings above flood level
Filling, grading, or other earth-moving activity
Home Occupations
Manufactured Housing and Manufactured Housing Parks
Modifications to existing structures
Multi-family dwelling units
Off-street parking and loading requirements
Planned unit development and cluster development
Sanitary provisions
Signs
Timber Harvesting
Vegetative cutting
Water quality protection~~

4.3 LITTLE OSSIPEE RIVER DISTRICT

4.3.1 PURPOSE

4.3.1.1 ~~The Little Ossipee River District extends to all land areas within 750 ft. from the normal high water mark of Balch Pond and the Little Ossipee River. The purpose of this District is~~ To control the use and development of undeveloped shoreland areas along the Little Ossipee River in conformance with the Limited Residential District established by the Saco River Corridor Commission.

4.3.1.2 To further the maintenance of safe and healthful conditions and the general welfare; prevent and control water pollution; protect spawning grounds; fish, aquatic life, bird or other wildlife habitat; control building sites, placement of structures and land uses; and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.

~~4.3.2 PERMITTED USES~~

~~The following uses are permitted in the Little Ossipee River District.~~

4.3.2.1 RURAL

~~Open space use
Agriculture and gardening
Timber Harvesting
Accessory uses and structures~~

4.3.2.2 OTHER

~~Filling, grading, or other earth moving activity operated in accordance with state laws.~~

~~Signs~~

4.3.3 CONDITIONAL USES

~~The following uses may be allowed only upon the authorization of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6 of this Ordinance.~~

4.3.3.1 RURAL

~~Sale of produce and plants raised on the premises, or seasonal sales of produce and plants not raised on the premises.~~

~~Public or private recreation facilities including parks, playgrounds, golf courses, driving ranges, swimming pools.~~

~~Campgrounds~~

~~Accessory uses and structures~~

~~Uses which are similar to the above uses~~

4.3.3.2 RESIDENTIAL

~~Housing, or recreational vehicle (see (a)).~~

~~Attached Two family dwelling (see (a))~~

~~Multi-family dwelling (see (a))~~

~~Planned unit development or cluster development (see (a))~~

~~Manufactured Housing Park~~

a. Residential uses shall meet all of the following criteria:

~~(1) — The minimum setback of each principal building shall be one hundred (100) feet from the normal high water elevation of any waterbody.~~

~~(1)(2) No structures or fill shall be permitted within the flood plain.~~

~~(2)(3) Where there is an accepted road as of the effective date of this Ordinance within five hundred (500) feet of the normal high water mark of the river with different land ownership on either side of the road, the landowner on the far side of the road from the river shall have an aggregate of setback from the river and frontage on the far side of the road equal to five hundred (500) feet.~~

~~(3)(4) All applicable performance standards of the Shoreland Zone shall be met in full.~~

~~Accessory uses and structures~~

~~Uses which are similar to the above uses
Home Occupations~~

~~4.3.3.3 COMMERCIAL AND INDUSTRIAL USES REQUIRING A SHOREFRONT LOCATION~~

~~Facilities which by nature of their operation require a shorefront location. Such facilities shall include, but are not limited to, boatyards, marinas, bath houses, and commercial fishing facilities. Accessory uses and structures~~

~~4.3.3.4 PUBLIC, SEMI-PUBLIC, AND INSTITUTIONAL~~

~~Church or other place of worship, parish house, rectory, convent and other religious institutions.
Public buildings such as libraries, museums, civic center
Utilities, including sewage collection and treatment facilities
Accessory uses and structures
Uses which are similar to the above uses~~

~~4.3.4 PROHIBITED USES~~

~~Commercial or Industrial Groundwater Extraction and uses which are not specifically allowed as permitted or conditional uses are prohibited.~~

4.3.5 DIMENSIONAL REQUIREMENTS

4.3.5.1 Lots in the Little Ossipee River District shall meet or exceed the following minimum requirements (additional area may be required by other provisions of this Ordinance):

Minimum Lot Size	90,000 sq. ft. <u>five (5) acres</u>
<u>Minimum Shore Frontage</u>	<u>300 ft.</u>
<u>Minimum Shoreline Setback</u>	<u>250 ft.</u>
Minimum Road or Street Frontage:	250 <u>300</u> ft.
Minimum Front setback:	75 ft. from center of road except 50 feet from the center of the road for nonconforming lots of record
Minimum Side setback:	25 feet <u>except 10 ft for nonconforming lots of record</u>
Minimum Rear setback:	20 <u>25</u> ft.
Maximum Lot Coverage	20 <u>25</u> %

Lots with shore frontage in excess of 300 ft. shall have a minimum setback of all structures and subsurface wastewater disposal systems on the lot of 250 ft. from the shoreline.

a. ~~A front yard abutting a public road shall have a minimum depth of seventy five (75) feet from the center of the road.~~

~~A front yard abutting the shoreline of a lake, pond, river, stream or tidal water shall have a minimum depth of one hundred (100) feet from the normal high water elevation. The depth of any yard abutting a public road or any waterbody shall conform to the front yard requirements.~~

~~4.3.5.2 PRINCIPAL BUILDING~~

~~If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.~~

~~4.3.5.3 REQUIRED YARD SPACES SHALL SERVE ONLY ONE LOT~~

~~No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.~~

~~4.3.5.4 VISIBILITY AT CORNER LOTS~~

~~All corner lots shall be kept free from visual obstruction for a distance of twenty five (25) feet measured along the intersecting street lines.~~

~~4.3.5.5 BUILDING HEIGHT~~

~~No portion of a residential building shall exceed thirty five (35) feet in height except chimneys. Features of detached accessory buildings may exceed thirty five (35) feet in height, but shall be set back from the nearest lot line a distance not less than the height of such structure, unless a greater setback is required by other provisions of this Ordinance.~~

~~4.3.6 PERFORMANCE STANDARDS~~

~~Permitted uses and Conditional uses shall conform to the performance standards delineated in Article 5 of this Ordinance for the following:~~

- ~~Accessory buildings~~
- ~~Agriculture~~
- ~~Campgrounds~~
- ~~Elevation of buildings above flood level~~
- ~~Filling, grading, or other earth-moving activity~~
- ~~Home Occupations~~
- ~~Manufactured Housing and Manufactured Housing Parks~~
- ~~Modifications to existing structures~~
- ~~Multi-family dwelling units~~
- ~~Off-street parking and loading requirements~~
- ~~Planned unit development and cluster development~~
- ~~Sanitary provisions~~
- ~~Signs~~
- ~~Timber Harvesting~~

~~Vegetative cutting
Water quality protection~~

~~4.4 — GENERAL PURPOSE DISTRICT~~

~~4.4.1 — PURPOSE~~

~~4.4.1.1 Allow maximum diversity of uses while protecting the public health and safety, environmental quality and economic well being of the Town.~~

~~4.4.1.2 Imposing minimum controls on those uses which by virtue of their external effects (waste discharge, noise, glare, fumes, smoke, dust, odors or auto, truck, or rail traffic) could otherwise create nuisances, or unsafe, unhealthy conditions.~~

~~4.4.1.3 To encourage any high density residential developments to locate in those areas which are most compatible with existing development and in a manner appropriate to the economical provision of community services and utilities.~~

~~4.4.1.4 To encourage location of any commercial or industrial uses on those lands in the community which are best suited for such development and will be appropriate to best serve the community economically.~~

~~4.4.1.5 To avoid economic disadvantages of providing essential services to commercial and industrial facilities which would occur if they developed in a strip fashion along highways and thoroughfares.~~

~~4.4.1.6 To protect historical and architectural integrity of existing village or residential or other development.~~

~~4.4.1.7 To insure that future development is compatible, both in character and use.~~

~~4.4.2 — PERMITTED USES~~

~~The following uses are permitted in the General Purpose District.~~

~~4.4.2.1 RURAL~~

~~Open space use~~

~~Agriculture and gardening~~

~~Sale of produce and plants raised on the premises or seasonal sales of produce and plants not raised on the premises.~~

~~Timber Harvesting~~

~~Public and private recreation facilities including park, playgrounds, golf courses, driving ranges, swimming pools, but excluding campgrounds.~~

~~Accessory uses and structures~~

~~4.4.2.2 RESIDENTIAL~~

~~One single family dwelling
Attached two family dwelling
Home Occupations
Accessory uses and structures
Two single family residences subject to dimensional requirements~~

of 4.4.5

~~4.4.2.3 COMMERCIAL~~

~~4.4.2.4 PUBLIC OR SEMI-PUBLIC AND INSTITUTIONAL~~

~~Church and other places of worship, parish house, rectory, convent or other religious institutions.
Public, private and parochial schools.
Public buildings, such as libraries, museums, civic centers and recreational or community activity buildings.
Cemeteries.
Accessory uses and structure.
Any other uses similar to the above.~~

~~4.4.2.5 OTHER~~

~~Filling, grading, or other earth moving activity operated within the existing state laws not requiring a Conditional Use Permit.~~

~~4.4.2.6 UTILITIES~~

~~Under the direction of the Code Enforcement Officer.~~

~~4.4.3 CONDITIONAL USES~~

~~The following uses may be allowed but only upon the granting of a Conditional Use Permit by the Planning Board, in accordance with the provisions of Article 6 of this Ordinance.~~

~~4.4.3.1 RURAL~~

~~Campgrounds
Accessory uses and structures
Uses which are similar to the above~~

~~4.4.3.2 RESIDENTIAL~~

~~Multi family dwelling
Planned unit development or cluster development
Manufactured Housing Park
Accessory uses and structures
Uses which are similar to the above
2 Single Family Residences on One Lot~~

~~4.4.3.3 COMMERCIAL AND INDUSTRIAL~~

~~Commercial or Industrial Groundwater and/or Spring Water Extraction and/or Storage
Commercial and Industrial facilities not meeting the criteria for permitted uses.
Any Automobile graveyards and junkyards operated in accordance with state laws.
Waste processing or disposal facilities
Accessory uses and structures~~

~~**4.4.3.4 PUBLIC, SEMI-PUBLIC, AND INSTITUTIONAL**~~

~~Utilities, including sewage collection and treatment facilities.
Waste processing or disposal facilities other than sewage collection and treatment facilities.
Accessory uses and structures
Uses which are similar to the above~~

~~**4.4.3.5 OTHER**~~

~~Billboards
Accessory uses and structures
Uses which are similar to the above
Application of sludge/residuals to land~~

~~**4.4.4 PROHIBITED USES**~~

~~Uses which are not specifically allowed as permitted uses and conditional uses are prohibited.~~

~~**4.4.5 DIMENSIONAL REQUIREMENTS**~~

~~Lots in the General Purpose District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:~~

~~Minimum lot size per dwelling unit of ninety thousand (90,000) square feet except as noted below.~~

~~Minimum Road or Street Frontage per dwelling unit two hundred fifty (250) feet~~

~~Minimum Front setback seventy five (75) feet from the center of the road, street or right of way, or 50 feet from the center line of the right of way for nonconforming lots of record~~

~~Minimum Side setback twenty five (25) feet (except for non-conforming lot of record ten (10) feet;~~

~~Minimum Rear setback twenty (20) feet;~~

~~Maximum Lot Coverage 20%~~

~~a. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size~~

~~requirements are prohibited in all Districts and Zones.~~

~~b. On a lot of 200,000 square feet or more with at least 350 feet of frontage, two single family residences may be built providing: only one driveway entrance onto the road is constructed; the lot shall never be divided; and the owner(s) of the lot resides on the property. Prior to receiving a building or occupancy permit, the owner of the proposed multiple dwelling lot shall provide the CEO with a copy of the recorded deed from the York County Registry of Deeds, which includes a deed restriction prohibiting subdivision of the lot.~~

~~c. Commercial, Industrial
Minimum lot size per principal use 90,000 sq. ft.
Minimum Road or Street Frontage per
principal use 250 ft.
Minimum Front Setback 125 feet from the
center line of the of the road,
street or right of way
Minimum Side Setback 25 ft~~

~~4.4.6 PERFORMANCE STANDARDS~~

~~Permitted uses and uses permitted by a Conditional Use Permit shall conform to the following standards delineated in Article 5 of this Ordinance:~~

~~Accessory building
Agriculture
Campgrounds
Elevation of buildings above flood level
Filling, grading, or other earth moving activity
Home Occupations
Mineral exploration and/or extrication
Manufactured Housing Parks
Modification to existing structure
Multi family dwelling units
2 Single Family Residences on One Lot
Off street parking and loading requirements
Planned unit development and cluster development
Sanitary provisions
Signs and billboards
Timber Harvesting
Vegetative cutting
Water quality protection~~

4.4 Commercial A District (Service Business)

Lots in the Commercial A District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

Minimum lot size – two (2) acres

Minimum road or street frontage - two hundred fifty (250) feet

Minimum front setback – one hundred twenty five (125) feet

Minimum side setback -fifty (50) feet

Minimum rear setback – fifty (50) feet

Maximum lot coverage (residential uses) – twenty (20)%

Maximum lot coverage (non-residential uses) – thirty (30)%,
except that fifty (50)% is allowed with one hundred (100)
ft. minimum side and rear setbacks that includes a 25 ft.
vegetative buffer.

Residential lots that are part of a subdivision are prohibited in this zoning district. A street or road that is used as ingress into or egress from a residential subdivision that is located in an adjacent zoning district is permitted in this zoning district.

The lot size per residential dwelling unit shall be meet or exceed the minimum lot size requirement for this district, except that on a lot of 200,000 square feet or more with at least 350 feet of frontage, two single family residences may be built providing: only one driveway entrance onto the road is constructed; the lot shall never be divided; and the owner(s) of the lot resides on the property. Prior to receiving a building or occupancy permit, the owner of the proposed multiple dwelling lot shall provide the CEO with a copy of the recorded deed from the York County Registry of Deeds, which includes a deed restriction prohibiting subdivision of the lot.

4.5 Commercial B District (Low Water Impact)

Lots in the Commercial B District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

Minimum lot size – three (3) acres

Minimum road or street frontage – three hundred (300) feet

Minimum front setback – one hundred twenty five (125) feet

Minimum side setback -fifty (50) feet

Minimum rear setback – fifty (50) feet

Maximum lot coverage (residential uses) – twenty (20)%

Maximum lot coverage (non-residential uses) – thirty (30)%

The lot size per residential dwelling unit shall meet or exceed the

minimum lot size requirement for this district, except that on a lot of 200,000 square feet or more with at least 350 feet of frontage, two single family residences may be built providing: only one driveway entrance onto the road is constructed; the lot shall never be divided; and the owner(s) of the lot resides on the property. Prior to receiving a building or occupancy permit, the owner of the proposed multiple dwelling lot shall provide the CEO with a copy of the recorded deed from the York County Registry of Deeds, which includes a deed restriction prohibiting subdivision of the lot.

4.6 Commercial C District (Limited Industrial)

Lots in the Commercial C District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

Minimum lot size – three (3) acres

Minimum road or street frontage – three hundred (300) feet

Minimum front setback – seventy five (75) feet

Minimum side setback -fifty (50) feet

Minimum rear setback – fifty (50) feet

Maximum lot coverage (residential uses) – twenty (20)%

Maximum lot coverage (non-residential uses) – thirty (30)%,
except that fifty (50)% is allowed with one hundred (100)
ft. minimum side and rear setbacks that includes a 25 ft.
vegetative buffer.

The lot size per residential dwelling unit shall meet or exceed the minimum lot size requirement for this district, except that on a lot of 200,000 square feet or more with at least 350 feet of frontage, two single family residences may be built providing: only one driveway entrance onto the road is constructed; the lot shall never be divided; and the owner(s) of the lot resides on the property. Prior to receiving a building or occupancy permit, the owner of the proposed multiple dwelling lot shall provide the CEO with a copy of the recorded deed from the York County Registry of Deeds, which includes a deed restriction prohibiting subdivision of the lot.

4.7 Village District

Lots in the Village District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

- a. Each lot shall be a minimum of two (2) acres and meet the following requirements, unless it meets the criteria of Section 4.7.b or 4.7.c below:

Minimum road or street frontage - two hundred fifty (250) feet

Minimum front setback - seventy five (75) feet

Minimum side setback - twenty five (25) feet

Minimum rear setback - twenty (25) feet

Maximum lot coverage (residential uses) – twenty (20)%

Maximum lot coverage (non-residential uses) – thirty (30)%

- b.** Each lot that is less than two (2) acres but greater than one (1) acre is permitted only if it is part of a subdivision approved by the Planning Board and if it meets the following requirements:

Minimum road or street frontage per dwelling unit - one hundred fifty (150) feet

Minimum front setback – seventy five (75) feet

Minimum side setback - twenty five (25) feet

Minimum rear setback - twenty (25) feet

Maximum lot coverage (residential uses) – twenty (20)%

Maximum lot coverage (non-residential uses) – thirty (30)%

An engineered alternative or reserve location providing for a community water supply must be delineated on the approved subdivision plan. The Homeowner’s Association is responsible for the implementation of this requirement and maintenance of the community water supply system.

- c.** Each lot that is one (1) acre or less is permitted only if it is part of a subdivision approved by the Planning Board, the developer is providing community water and sewer services, and if it meets the following requirements:

Minimum lot size – ten thousand (10,000) square feet

Minimum road or street frontage per dwelling unit - one hundred (100) feet

Minimum front setback – seventy five (75) feet

Minimum side setback - twenty five (25) feet

Minimum rear setback - twenty (25) feet

Maximum lot coverage – thirty (30)%

The lot size per residential dwelling unit shall meet or exceed the minimum lot size requirement for this district, except that on a lot of 200,000 square feet or more with at least 350 feet of frontage, two single family residences may be built providing: only one driveway entrance onto the road is constructed; the lot shall never be divided; and the owner(s) of the lot resides on the property. Prior to receiving a building or occupancy permit, the owner of the proposed multiple dwelling lot shall provide the CEO with a copy of the recorded deed from the York County

Registry of Deeds, which includes a deed restriction prohibiting subdivision of the lot.

4.8 Transition District

Lots in the Transition District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

Each lot shall be a minimum of two (2) acres and meet the following requirements:

- Minimum road or street frontage - two hundred fifty (250) feet
- Minimum front setback – seventy five (75) feet
- Minimum side setback - twenty five (25) feet
- Minimum rear setback - twenty (25) feet
- Maximum lot coverage (residential) – twenty (20)%
- Maximum lot coverage (non-residential uses) – thirty (30)%

~~In addition to the dimension requirements above, new back lots created in this District shall be laid out in a manner that permits a minimum two hundred fifty (250) ft. diameter circle to be placed entirely within the lot boundaries and have a minimum frontage of two hundred fifty (250) ft. on the easement right of way. Access across the grantor lot must be by a private deeded right of way easement granted to the owner of the back lot. The road or street frontage for the grantor lot must meet the requirements of this District with a minimum additional fifty (50) ft. The Class B road construction standards contained in the Town of Acton's Road Ordinance shall be used for the construction of the easement right of way for newly created back lots with the exception that the width of the right of way shall be increased to fifty (50) with a surface width of no less than fourteen (14) ft. or greater.~~

The lot size per residential dwelling unit shall meet or exceed the minimum lot size requirement for this district, except that on a lot of 200,000 square feet or more with at least 350 feet of frontage, two single family residences may be built providing: only one driveway entrance onto the road is constructed; the lot shall never be divided; and the owner(s) of the lot resides on the property. Prior to receiving a building or occupancy permit, the owner of the proposed multiple dwelling lot shall provide the CEO with a copy of the recorded deed from the York County Registry of Deeds, which includes a deed restriction prohibiting subdivision of the lot.

4.9 Rural District

Lots in the Rural District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

Each lot shall be a minimum of three (3) acres and meet the following requirements:

Minimum road or street frontage per dwelling unit – three hundred (300) feet

Minimum Front setback – seventy five (75) feet

Minimum Side setback - twenty five (25) feet

Minimum Rear setback - twenty (25) feet

Maximum lot coverage (residential uses) – twenty (20)%

Maximum lot coverage (non-residential uses) – thirty 30%

In addition to the dimension requirements above, new back lots created in this District shall be laid out in a manner that permits a minimum three hundred (300) ft. diameter circle to be placed entirely within the lot boundaries and have a minimum frontage of three hundred (300) ft. on the easement right of way. Access across the grantor lot must be by a private deeded right of way easement granted to the owner of the back lot. The road or street frontage for the grantor lot must meet the requirements of this District with a minimum additional fifty (50) ft. The Class B road construction standards contained in the Town of Acton's Road Ordinance shall be used for the construction of the easement right of way for newly created back lots with the exception that the width of the right of way shall be increased to fifty (50) feet with a surface width of no less than fourteen (14) ft. or greater.

The lot size per residential dwelling unit shall meet or exceed the minimum lot size requirement for this district, except that on a lot of 200,000 square feet or more with at least 350 feet of frontage, two single family residences may be built providing: only one driveway entrance onto the road is constructed; the lot shall never be divided; and the owner(s) of the lot resides on the property. Prior to receiving a building or occupancy permit, the owner of the proposed multiple dwelling lot shall provide the CEO with a copy of the recorded deed from the York County Registry of Deeds, which includes a deed restriction prohibiting subdivision of the lot.

If a subdivision is developed as a cluster subdivision, it must contain a minimum of 50% of the total acreage as dedicated open space. The total development density shall not exceed that which could be constructed on the site under conventional, nonclustered requirements. The cluster subdivision shall be developed in accordance with the guidelines set forth in Section 10.13 of the Subdivision Ordinance.

4.10 Critical Rural District

Lots in the Critical Rural District shall meet or exceed the following

requirements unless additional area is required by other provisions of this Ordinance:

Each lot that is not part of a subdivision must be a minimum of five (5) acres and meet the following requirements:

Maximum net residential density (dwelling units per net residential acre) - .2

Minimum Road or Street Frontage per dwelling unit - three hundred fifty (350) feet

Minimum Front setback – seventy five (75) feet

Minimum Side setback - twenty five (25) feet

Minimum Rear setback - twenty (25) feet

Maximum lot coverage (residential uses) – twenty (20)%

In addition to the dimension requirements above, new back lots created in this District shall be laid out in a manner that permits a minimum three hundred fifty (350) ft. diameter circle to be placed entirely within the lot boundaries and have a minimum frontage of three hundred fifty (300) ft. on the easement right of way. Access across the grantor lot must be by a private deeded right of way easement granted to the owner of the back lot. The road or street frontage for the grantor lot must meet the requirements of this District with a minimum additional fifty (50) ft. The Class B road construction standards contained in the Town of Acton's Road Ordinance shall be used for the construction of the easement right of way for newly created back lots with the exception that the width of the right of way shall be increased to fifty (50) with a surface width of no less than fourteen (14) ft. or greater.

Any new lot created after [INSERT TOWN MEETING DATE] shall meet or exceed the minimum lot size for this district in accordance with the definition of net residential acreage. The net residential acreage shall be established by a Standard Boundary Survey, Category 1, Condition 3, which shall reflect the current conditions of the site. A high intensity soil survey by a Licensed Soil Scientist shall also be required in order to determine the net residential acreage. In addition, the location of the foundation shall be set and pinned by a professional land surveyor.

All subdivisions where 3 lots or units or more are created within any five year period shall be developed as a cluster subdivision with a minimum of 60% of the total acreage as dedicated open space. The total development density shall not exceed that which could be constructed on the site under conventional, nonclustered requirements. The cluster subdivision shall be developed in accordance with the guidelines set forth in Section 10.13 of the Subdivision Ordinance.

The lot size and net residential density per residential dwelling unit shall meet or exceed the minimum lot size requirement or maximum net residential density for this district, except that on a lot of 430,000 square feet or more with at least 350 feet of frontage, two single family residences may be built providing: only one driveway entrance onto the road is constructed; the lot shall never be divided; and the owner(s) of the lot resides on the property. Prior to receiving a building or occupancy permit, the owner of the proposed multiple dwelling lot shall provide the CEO with a copy of the recorded deed from the York County Registry of Deeds, which includes a deed restriction prohibiting subdivision of the lot.

4.11 Mixed Use District

Lots in the Mixed Use District shall meet or exceed the following requirements unless additional area is required by other provisions of this Ordinance:

- a.** Each lot shall be a minimum of two (2) acres and meet the following requirements, unless it meets the criteria of Section 4.11.b or 4.11.c below:

Minimum road or street frontage - two hundred fifty (250) feet

Minimum front setback - seventy five (75) feet

Minimum side setback - twenty five (25) feet

Minimum rear setback - twenty (25) feet

Maximum lot coverage (residential uses) – twenty (20)%

Maximum lot coverage (non-residential uses) – thirty (30)%,
except that fifty (50)% is allowed with one hundred (100)
ft. minimum side and rear setbacks that include a 25 ft.
vegetative buffer.

- b.** Each lot that is less than two (2) acres but greater than one (1) acre is permitted only if it is part of a subdivision approved by the Planning Board and if it meets the following requirements:

Minimum road or street frontage per dwelling unit - one hundred fifty (150) feet

Minimum front setback – seventy five (75) feet

Minimum side setback - twenty five (25) feet

Minimum rear setback - twenty (25) feet

Maximum lot coverage (residential uses) – twenty (20)%

Maximum lot coverage (non-residential uses) – thirty (30)%,
except that fifty (50)% is allowed with one hundred (100)
ft. minimum side and rear setbacks that include a 25 ft.
vegetative buffer.

An engineered alternative or reserve location providing for a

community water supply must be delineated on the approved subdivision plan. The Homeowner's Association is responsible for the implementation of this requirement and maintenance of the community water supply system.

- c. Each lot that is one (1) acre or less is permitted only if it is part of a subdivision approved by the Planning Board, the developer is providing community water and sewer services, and if it meets the following requirements:

Minimum lot size – ten thousand (10,000) square feet

Minimum road or street frontage per dwelling unit - one hundred (100) feet

Minimum front setback – seventy five (75) feet

Minimum side setback - twenty five (25) feet

Minimum rear setback - twenty (25) feet

Maximum lot coverage (non-residential uses) – thirty (30)%, except that fifty (50)% is allowed with one hundred (100) ft. minimum side and rear setbacks that includes a 25 ft. vegetative buffer.

The lot size per residential dwelling unit shall meet or exceed the minimum lot size requirement for this district, except that on a lot of 200,000 square feet or more with at least 350 feet of frontage, two single family residences may be built providing: only one driveway entrance onto the road is constructed; the lot shall never be divided; and the owner(s) of the lot resides on the property. Prior to receiving a building or occupancy permit, the owner of the proposed multiple dwelling lot shall provide the CEO with a copy of the recorded deed from the York County Registry of Deeds, which includes a deed restriction prohibiting subdivision of the lot.

4.12 **!!!PLEASE NOTE THAT THE ENTIRE FOLLOWING SECTION 5.6.2 IS NEW BUT IT IS NOT UNDERLINED!!!******

5.6.2 GOOD NEIGHBOR AND DESIGN STANDARDS

The standards contained in this Section shall apply to all uses in all zoning districts unless otherwise stated.

This section shall not repeal, 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 section imposes a greater restriction upon the use of land, buildings or structures, the provisions of this section shall control.

5.6.2.A Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated.

Lighting may be used which serves security, safety and operational needs, but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5 foot candles at the lot line or upon abutting residential properties.

All exterior lighting, except security lighting, must be turned off between 11 p.m. and 6 a.m. unless located on the site of a commercial or industrial use which is open for business during that period.

Wiring to light poles and standards must be underground.

5.6.2.B Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment, service and storage areas.

Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds or a combination thereof.

- 1) A development must provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where there is a need to:
 - a) shield neighboring properties from any adverse external effect of the development, or
 - b) shield the development for the negative impacts of adjacent uses.

The width of the buffer may vary depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing or changes in grade must be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet to fifteen (15) feet in width. In suburban and rural settings, the width of the vegetated buffer should be increased to a minimum of twenty-five (25) feet. Areas adjacent to service, loading or storage areas should be screened by dense planting, berms, fencing or a combination thereof with a width of a minimum of five (5) feet.

5.6.2.C Noise

Findings and Purpose

It is recognized that people have a right to and should be ensured an environment free from excessive noise that may jeopardize their health, safety, welfare or degrade the quality of life. This section is enacted to protect, preserve and promote the health, safety, welfare and quality of life through the reduction, control and prevention of excessive noise.

1) Definitions

The following definitions shall apply in the interpretation and enforcement of this section:

CONSTRUCTION – Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition for or of public or private rights-of-way, structures, utilities or similar property.

CONSTRUCTION EQUIPMENT – Any equipment or device operated by fuel or electric power used in construction or demolition work.

DAYTIME HOURS – The hours between 7:00 AM and 10:00 PM Monday through Saturday and the hours of 9:00 AM through 10:00 PM on Sundays.

dB(a) – The abbreviation designating both the unit measure sound level, the decibel and the mode of measurement that uses the A-weighting of a sound-level meter.

DECIBEL (dB) – The practical unit of measurement for sound-pressure level. The number of decibels of a measured sound is equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (twenty [20] micropascals); abbreviated dB.

DEMOLITION – Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

DOMESTIC POWER EQUIPMENT – Includes, but is not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

EMERGENCY – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

EMERGENCY WORK – Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent danger.

LOUD AND UNREASONABLE NOISE – Any sound, the intensity of which exceeds the standards set forth in Section 5.6.2.(3).a

NIGHTTIME HOURS – The hours between 10:00 PM and 7:00 AM Sunday evening through Saturday morning, except that “night” shall mean the hours between 10:00 PM Saturday and 9:00 AM Sunday.

NOISE LEVEL – The sound-pressure level as measured with a sound-level meter using the A-weighting network. The level so read is designated db(A) or dB(A).

PERSON – Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES – Any building, structure, land or portion thereof, including any appurtenances and shall include yards, lots, courts, inner yards and real properties without buildings or improvements, owned or controlled by a person. The emitter's premises include contiguous publicly dedicated streets and highway rights-of-way, all road rights-of-way and water rights-of-way.

PROPERTY LINE – That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from the public right-of-way. In situations involving multiple buildings on the same lot or multiple occupancies within the same building, the lot line shall be deemed to be the exterior wall (including floors and ceilings).

RESIDENTIAL ZONE – All zoning districts that allow residential uses.

SOUND LEVEL – The sound-pressure level measured in decibels with a sound-level meter set for A-weighting; sound level is expressed in dB(A).

SOUND-LEVEL METER – An instrument for the measurement of sound levels conforming to ANSI Type I or II Standards.

SOUND-PRESSURE LEVEL – The level of a sound measured in dB units with a sound-level meter which has a uniform response over the band of frequencies measured.

2) **Noise Levels**

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in this section.

- a) **Noise level standards** – Sound from any source controlled by this section shall not exceed the following limits at the property line of the receiving property:

Sound-Pressure Level Limits

[dB(A)]

<u>District</u>	<u>Day</u>	<u>Night</u>
Commercial	60	50
Residential	55	45

- 1) Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.
 - 2) The levels specified may be exceeded by 10 dB(A) for a single period, no longer than fifteen (15) minutes, in any one day.
- b) **Exclusions** – These levels shall not apply to noise emitted by or related to:
- 1) Natural phenomena;
 - 2) Any bell or chime from any building, clock, school or church;
 - 3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation, provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful;
 - 4) Warning devices required by OSHA or other state or federal safety regulations;
- c) **Exemptions** – The following shall be exempt from these regulations, subject to special conditions as spelled out:
- 1) Noise from domestic power equipment, such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices, operated during daytime hours;
 - 2) The noises of safety signals, warning devices, emergency pressure-relief valves, any other emergency activity and aircraft;

- 3) Timber harvesting (falling trees and removing logs from the woods);
 - 4) Noise generated by construction or demolition equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in paragraph a) above. Emergency construction or repair work by public utilities shall also be exempt;
 - 5) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours;
 - 6) Noise created by recreational activities which are permitted by law and for which a license or permit has been granted by the Town, including, but not limited to, parades, sporting events, concerts and fireworks displays;
 - 7) Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 AM and 5:00 PM local time, at specified hours previously announced to the local public or provided that a permit for such blasting has been obtained from the Code Enforcement Officer.
 - 8) Existing industrial noise sources which are in operation at the time of enactment of this section shall be permitted a permanent 10 dB(A) noise level allowance otherwise required herein.
 - 9) Noise created by any agricultural use either by motorized or animal.
- d) **Inspections/Interference with Authorized Personnel**
- 1) For the purpose of determining compliance with the provisions of this section, the Code Enforcement Officer is authorized to arrange for an individual trained and certified to make inspections of all noise sources, to take measurements and make tests

whenever necessary to determine the quantity and character of the noise.

2) No person shall hinder, obstruct, delay, resist, prevent in any way or interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this section.

e) **Manner of Enforcement**

- 1) The Code Enforcement Officer is directed to enforce the provisions of this section.
- 2) No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this section while such person is engaged in the performance of his duty.
- 3) Violations of this section shall be prosecuted in the same manner as other misdemeanor violations, provided, however, that in the event of an initial violation of the provisions of this section, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected or an application for a variance shall be received by the Code Enforcement Officer. No complaint or further action shall be taken in the event the cause of the violation has been removed or the condition abated or fully corrected within the time period specified in the written notice.
- 4) In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred, in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice. Subsequent violations of the same offense shall result in the immediate filing of a misdemeanor complaint.

f. **Violations and Penalties**

Any person in violation of any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall pay for the hiring of an individual trained and certified to make inspections of all noise sources, to take measurements and make tests whenever necessary to determine the quantity and character of the noise, and additionally, shall be fined in an amount not to exceed \$100. Each day such violation continues after the time for correction of the violation has been given in an order shall constitute a continuing violation and the amount of the fine shall be doubled for each day said violation continues, said fine not to exceed \$400 per day.

5.6.2.C Storage of Materials

Exposed non-residential storage areas, exposed machinery and areas used for the storage or collection of discarded automobiles, automobile parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or public street, it must be screened by fencing or landscaping.

Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

5.6.2.D Landscaping

Landscaping must be provided as part of a site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development and protect abutting properties.

Landscaping may include plant materials such as trees, shrubs, groundcovers, perennials and annuals and other materials such as

rocks, water, sculpture, art, walls, fences, paving materials and street furniture.

5.6.2.E Building Placement

The site design should avoid creating a building surrounded by a parking lot. In urban, built-up areas and in villages, buildings should be placed close to the street in conformance with existing adjacent setbacks. Parking should be to the side or preferably in the back.

In rural uncongested areas, buildings should be set well back from the road so as to conform with the rural character of the area. If the parking is in front, a generous landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural as field, forest, wetland, etc.

Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks. Tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

5.6.2.F Building Illumination

Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building façade illumination must be concealed.

Building entrances may be illuminated using recessed lighting in overhangs and soffits or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.

5.6.2.G Building Entrances

The main entrance to a building should be oriented to the street unless the parking layout or the grouping of the buildings justifies another approach and should be clearly identified as such through building and site design, landscaping and/or signage.

At building entrance areas and drop-off areas, site furnishings such as benches and sitting walls and, if appropriate, bicycle racks shall be encouraged. Additional plantings may be desirable at these points to identify the building entrance and to complement the pedestrian activity at this point.

5.6.2.H Setback and Alignment of Buildings

Where there is a reasonably uniform relationship between the front walls of buildings and the street, new buildings must be placed on a lot in conformance with the established relationship. For buildings on corner lots, the setback relationship of both streets should be maintained. The creation of “empty corners” should be avoided through the placement of the building and other site features.

5.6.2.I Sidewalks

Where an existing or planned public sidewalk is interrupted by a proposed project driveway, the sidewalk material must continue to be maintained across the driveway or the driveway must be painted to distinguish it as a sidewalk. Further, if street trees exist on the adjacent property, street trees must be planted, in a like manner, on the new site. In village situations, a widening of the sidewalk onto private property to encourage window shopping and an improved streetscape should be encouraged. Benches, sculpture, planters and other street furniture should be encouraged.

5.6.2.J Location of Off-Street Parking

In suburban and rural areas, smaller uses that may need public visibility from the street should be sited as close to the street as possible. In this case, no more than one row of parking shall be allowed between the building and the street with the balance of the parking located at the side and/or rear of the building. Larger scale uses and uses which do not require visibility from the road may be located further from the road with a landscaped buffer between the building and the street.

5.6.2.K Landscaped Roadside Buffers

Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way. This buffer strip must soften the appearance of the site from the road and must create defined points of access to and egress from the

site. The width of the buffer strip must increase with the setback of the building as follows:

<u>Building Setback</u>	<u>Buffer Width</u>
≤50 feet	10 feet
50 to 74 feet	15 feet
75 to 99 feet	20 feet
100 feet or more	25 feet

Where the buffer cannot be achieved, a low wall, fence or hedge may be used to create the buffer.

5.6.2.L Landscaping of Parking Lots

Landscaping around and within parking lots shades hot surfaces and visually “softens” the hard surface look of parking areas. Parking areas must be designed and landscaped to create a pedestrian-friendly environment. A landscaped border must be created around parking lots. Any parking lot containing ten (10) or more parking spaces must include one (1) or more landscaped islands within the interior of the lot. There must be at least one (1) island for every twenty (20) spaces. Landscaping must screen the parking area from adjacent residential uses and from the street.

5.6.2.M Building Orientation

New buildings within a built-up area should be compatible with the neighborhood such that they reflect the overall building bulk, square footage, dimensions, placement of the building on the lot and rhythm of buildings and spaces along the street edge and minimize the visual impact on the neighborhood. The visual impact of a building shall be measured by the relationship to other buildings on the lot, design of the front of the building and the rhythm of buildings and open spaces along the street.

5.6.2.N Building Scale

When large new buildings or structures are proposed in built-up areas where their scale (size) and other features may be significantly different from that which already exists in the immediate neighborhood, care must be taken to design the new building or structure so that it is compatible with its neighbors. This may include making the building appear small, using traditional materials, styles and/or proportions.

5.6.2.O Design of Drive-Through Facilities

Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be located in the area of the site adjacent to a residential use or residential zone. Communication systems must not be audible on adjacent properties in residential use. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street or within designated parking areas. The drive-through must not interfere with any sidewalk or bicycle path.

5.6.2.P View Protection

When a proposed development is located within the viewshed of a view, as identified in the comprehensive plan, from a public street or facility, the development must be designed to minimize the encroachment of all buildings, structures, landscaping and other site features on the identified view.

5.6.2.Q Ridgeline Protection

When a proposed development is located on a hillside that is visible from a public street, road, water body or facility, the development must be designed so that buildings, structures and other improvements do not extend above the existing ridgeline or alter the ridge profile significantly when viewed from the public streets, roads, water bodies or facilities. This provision may be waived for communication towers, spotting towers and similar facilities that must be located above the ridgeline for operational reasons.

5.6.2.R Hillside Development

When a proposed development is located on a hillside that is visible from a public street, road, water body or facility, the development must be designed so that it fits harmoniously into the visual environment when viewed by the public from public areas. In predominantly natural environments, site clearing must be minimized and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed environments, the appearance of the new development, when viewed by the public from public areas, must be compatible with

the existing visual character in terms of scale, massing and height to the maximum extent reasonable.

5.6.2.S Shoreland Development

When a proposed development is immediately visible from a great pond, river, or stream the development must be designed so that it fits harmoniously into the visual environment when viewed from the water body. In predominately natural environments, site clearing must be minimized, natural vegetation must be maintained adjacent to the shoreline to soften the appearance of the development and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed shoreland environments, the appearance of the new development when viewed from the water must be compatible with the existing visual character in terms of scale, massing and height to the maximum extent possible. Storage and service areas must be screened or landscaped to minimize their visual impact.

5.6.2.T Odor

All site plans shall demonstrate that the proposed development will not result in undue air pollution and that it will comply with the following standards:

- a. No emission of dust, ash, smoke or other particulate matter or gases and chemicals shall be allowed which can cause damage to human or animal health, safety, vegetation or property by reason of concentration or toxicity which can cause soiling beyond the property boundaries or which fails to meet or cannot meet the standards set by the Maine Department of Environmental Protection Agency.
- b. No person, wherever located, shall cause or allow the emission of odorous air contaminants from any source such as to result in detectable odors at the lot line of the source which are measured in excess of the following limits:

1) For the purposes of this regulation, two odor measurements shall be made within a period of one (1) hour, these measurements being separated by at least fifteen (15) minutes.

- 2) An odor or odors beyond a lot line constitutes a nuisance if it unreasonably interferes with the enjoyment of life or use of property. Based on the following nuisance levels, the Code Enforcement Officer

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shall exclude or restrict uses that produce or emit an odor beyond a lot line that is above a Level 2.

<u>5 ODOR LEVELS</u>	
Level 1	An odor that would ordinarily not be noticed by the average person, but could be detected by the experienced inspector or hypersensitive individual.
Level 2	An odor, so weak, that the average person might detect it if attention was called to it, but would not otherwise attract attention.
Level 3	An odor of moderate intensity that would be readily detected and would be regarded with disfavor.
Level 4	An odor that would force itself upon the attention of the average person and that would make the air very unpleasant.
<u>Level 5</u>	An odor of such intensity that the air would be absolutely unfit to breathe.