Appendix K
Land Use Ordinance

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SECTION 1 PURPOSE

1.1 The purpose of this ordinance is to support the land development and natural resource management goals of the town's adopted Comprehensive Plan, the State's Growth Management Program and Coastal Management Policies, and the State's Mandatory Shoreland Zoning Act. When effectively administered, this ordinance shall:

1) protect the rural character of the town and prevent over-development;
2) allow orderly growth and development of areas that may efficiently utilize public services and facilities;
3) encourage an over-all improved economic climate with increased job opportunities and affordable, quality housing;
4) address the impacts of development in shoreland areas and protect and preserve the town's critical and unique natural resources, including:
   a) great ponds, rivers, streams, estuaries and coastal areas,
   b) freshwater and coastal wetlands,
   c) fish spawning grounds, aquatic life, bird and other wildlife habitat,
   d) shore cover and visual as well as actual points of access to inland and coastal waters, and
   e) scenic vistas, natural beauty, open spaces and other unique natural areas;
5) protect agriculture and forest resources from the threats of incompatible development;
6) prevent and control water pollution;
7) protect private and public water supplies;
8) protect the ports and harbors from the threat of development that is incompatible with commercial fishing and maritime industries;
9) protect archaeological and historical resources;
10) control building sites and the placement of structures;
11) protect buildings and lands from flooding and accelerated erosion;
12) protect municipal services from the impact of development;
13) protect abutting properties from the impact of development;
14) protect the public health, safety and welfare; and
15) further the maintenance of safe and healthful conditions.

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SECTION 2 AUTHORITY

2.1 This ordinance is adopted in accordance with the provisions of 30-A M.R.S.A. §3001 et seq., 30-A M.R.S.A. §4312 et seq. and 38 M.R.S.A. §§435-449.

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SECTION 3 APPLICABILITY

3.1 This ordinance applies to the use of all land areas within the boundaries of the Town of Bucksport. No land may be occupied with any land use, except in conformance with the applicable requirements of this ordinance.

3.2 This ordinance applies to the construction, alteration, enlargement, relocation, replacement or use of all buildings and structures within the boundaries of the Town of Bucksport. No such construction, change or use of any building or structure may be conducted, except in conformance with the applicable requirements of this ordinance.

3.3 This ordinance applies to the creation of any lot. No new lot may be created, except in conformance with the applicable requirements of this ordinance.

3.4 This ordinance shall include Sections 1 through 20 as identified in the Table of Contents, and Addendums 1, 2, and 3, as adopted and amended by the Bucksport Town Council.

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SECTION 4 SEVERABILITY AND CONFLICT

4.1 If a court finds any provision of this ordinance to be invalid, the court's decision may not invalidate any other provision of this ordinance.

4.2 If any provision of this ordinance conflicts with another provision of this ordinance or any other ordinance, regulation or statute, the more restrictive provision governs.

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SECTION 5 ADOPTION, AMENDMENT, EFFECTIVE DATE

5.1 This ordinance, adopted on December 10, 2009, is effective 30 days after the date of adoption by the Bucksport Town Council, except as provided for in Section 5.2. Upon the effective date of this ordinance, the Land Use and Site Plan Ordinance and the Shoreland Zoning Ordinance in effect at that time shall be repealed and replaced by this ordinance.

5.2 Any provision of this ordinance or amendment thereto that is applicable within a shoreland district is subject to approval by the Commissioner of the Department of Environmental Protection. If the commissioner fails to issue written approval or disapproval within 45 days of receipt of the ordinance, it is deemed automatically approved. Any ordinance subject to approval by the commissioner may not become effective until such time approval has been determined.

5.2.1 A certified copy of the ordinance, as amended, attested and signed by the town clerk, must be forwarded to the commissioner for approval upon adoption by the town council.

5.3 Any application for which at least one substantive review has been conducted by the reviewing authority prior to the date on which this ordinance or any amendment thereto is approved, shall be considered a pending application and shall be subject to the requirements of the ordinance in effect at the time the application was submitted. "Substantive review" means a review conducted in accordance with the requirements of Section 11.2.3 or Section 11.4.7, as applicable.

5.4 In addition to the right to propose any ordinance directly to the town council as outlined in the Bucksport Town Code, Appendix A, Article 9, residents of the town of Bucksport may also submit a proposed amendment of this ordinance to the planning board for the purposes of seeking the board's support and recommendations for adoption by the town council. The procedure for making such a proposal is described as follows:

1) The proposed amendment must be submitted to the code enforcement officer, who shall ensure that the item is placed on the first available planning board agenda.
2) The planning board shall review the proposed amendment and consider recommending the amendment to the town council. The board may also consider recommending an alternate version of the proposed amendment. The board shall consult with DEP prior to deciding on a recommendation if the proposed amendment involves a shoreland regulation.
3) A decision to recommend an amendment of this ordinance to the town council must be supported with a favorable vote of no less than 4 members. Upon making a favorable decision, the planning board shall submit their amendment recommendations to the town manager, who shall ensure that the item is placed on the first available town council agenda.
4) Any proposed amendment submitted to the town council shall be referred to the ordinance committee for their review and recommendation.

5.4.1 Before the ordinance committee may introduce any proposed amendment of this ordinance to the town council, the planning board must conduct a public hearing in accordance with the requirements of 30-A M.R.S.A. §4351. Upon conclusion of the public hearing, the board shall forward its recommendations regarding adoption of the proposed amendment to the town council.

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SECTION 6 ADMINISTRATION

6.1 This ordinance shall be administered by the planning board. The code enforcement officer shall provide administrative support to the planning board and shall serve as the first contact for all applicants seeking land use approval from the town.

6.2 The planning board shall review all land use applications subject to planning board approval in accordance with the applicable requirements of Section 11.

6.3 The code enforcement officer shall review all land use applications subject to code enforcement officer approval in accordance with the applicable requirements of Section 11.

6.4 Public notice must be given for any public hearing required by this ordinance. The code enforcement officer shall be responsible for complying with the following public hearing notice requirements:

1) Notice for any hearing pertaining to an application review must be posted at the town office and must be published one time in a weekly or daily newspaper with general circulation in the town. The date of the posting and publication of the notice may be no less than 7 days before the date of the hearing.
2) Notice for any hearing pertaining to an application review must be given to the applicant, the municipal officers, the town manager, the town clerk, the public works, wastewater treatment and public safety departments and the public water service provider if public water will be utilized. The date of notification must be no less than 7 days before the date of the hearing. For the purposes of documenting notification requirements, the date of notification is considered to be the date of posting at the town office or the post mark date of a notice delivered by U.S. Mail.
3) Notice for any hearing pertaining to contract zoning must be given in accordance with the notice requirements in 30-A M.R.S.A. §4352(8).
4) Notice for any hearing pertaining to the adoption or amendment of a zoning ordinance or zoning map must be given in accordance with the notice requirements in 30-A M.R.S.A. §4352(9).

6.5 The town clerk shall keep a certified copy of this ordinance. Any member of the public may have access to the ordinance and obtain copies for a reasonable fee. Notice of availability of this ordinance must be posted at the town office.

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SECTION 7 ESTABLISHMENT OF DISTRICTS

7.1 The development and use of all land and structures within the Town of Bucksport is governed by the regulations of this ordinance as they apply to specific areas identified as districts. The fundamental intent of regulations affecting the use of land and structures within each district is to support the purposes of this ordinance as set forth in Section 1. The town is divided into 13 general districts. There are also 6 shoreland zone overlay districts that add additional regulations to specific areas. A seventh overlay district identifies land areas subject to conditional use approval. The districts are described as follows:

7.1.1 COMMERCIAL 1 (C1): An area suitable for commercial uses, noncommercial uses and residential uses. The area is located generally westerly of Bayview Avenue and is accessed primarily by U.S. Route 1. Portions of the district are now served by public water and sewer, which are intended to be expanded as future development requires.

7.1.2 COMMERCIAL 2 (C2): An area suitable for commercial uses, noncommercial uses and residential uses. The area is located generally easterly of Bayview Avenue and is accessed primarily by U.S. Route 1 and State Route 46. Portions of the district are now served by public water and sewer, which are intended to be expanded as future development requires.

7.1.3 COMMERCIAL 3 (C3): An area suitable for trade and manufacturing land uses and other land uses that are suitable for locating within and adjacent to Buckstown Heritage Park. Portions of the district are now served by public water and sewer, which are intended to be expanded as future development requires.

7.1.4 COMMERCIAL FISHERIES AND MARITIME ACTIVITIES SHORELAND (CFMA): An area suitable for the development of functionally water-dependant commercial and recreational uses fronting on Penobscot River.

7.1.4.1 The CFMA District is based on DEP districting guidelines for the establishment of a Commercial Fisheries/Maritime Activities District, which includes areas suitable for functionally water-dependent uses, taking into consideration such factors as:

1) shelter from prevailing winds and waves,
2) slope of the land within 250 feet of the shoreline,
3) depth of the water within 150 feet of the shoreline,
4) available support facilities, including utilities and transportation facilities, and
5) compatibility with adjacent upland uses within 250 feet of the shoreline.

7.1.5 DOWNTOWN (DT): An area suitable for a dense development of a variety of businesses commonly found along a traditional main street and connecting side streets. Residential uses are interspersed throughout the area. Public uses, places of worship and historical properties are also found in the DT District. Every building in the district is served by public water and sewer.

7.1.6 DOWNTOWN SHORELAND (DTS): An area suitable for a dense development of a variety of businesses fronting Main Street on its southerly side and some fronting on the northerly side of Main Street that are within 250 feet of the shoreline of Penobscot River. This district is also suitable for businesses operating from the shore side of buildings or properties on the southerly side of Main Street. Other common uses in the DTS District include public, historical, recreational, maritime and fishery uses, as well as limited residential uses. Every building in the district is served by public water and sewer.

7.1.6.1 The DTS District is based on DEP districting guidelines for the establishment of a General Development 1 District, which includes existing, intensively developed areas of 2 or more contiguous

acres devoted to commercial or intensive recreational activities, or a mix of such activities. These activities include but are not limited to the following:

1) Areas devoted to retail trade and service activities or other commercial activities.
2) Areas devoted to intensive recreational development and activities.
3) Areas otherwise discernible as having patterns of intensive commercial or recreational uses.

7.1.7 INDUSTRY DEVELOPMENT (ID): An area suitable for large-scale industrial uses and smaller commercial uses appropriate for an industrial setting. The area borders both sides of River Road. Portions of the district are now served by public water and sewer, which are intended to be expanded as future development requires.

7.1.8 INDUSTRY DEVELOPMENT SHORELAND OVERLAY (IDO): An area within 250 feet of the shoreline of a portion of Penobscot River. Land within this area is suitable for development with industrial uses similar to those subject to regulation in the ID District.

7.1.8.1 The IDO District is based on DEP districting guidelines for the establishment of a General Development 1 District, which includes existing, intensively developed areas of 2 or more contiguous acres devoted to commercial or industrial activities. These activities include, but are not limited to the following:

1) Areas devoted to wholesaling, warehousing, retail trade and service activities or other commercial activities.
2) Areas otherwise discernible as having patterns of intensive commercial or industrial uses.

7.1.9 LIMITED RESIDENTIAL SHORELAND OVERLAY (LRO): An area within 250 feet of the shoreline of a great pond; within 250 feet of the shoreline of a freshwater or coastal wetland; or within 250 feet of the shoreline of other water bodies, except streams. Land within this area is suitable for development with low-density residential and recreational uses, and limited low-impact commercial and noncommercial uses.

7.1.9.1 The LRO District is based on DEP districting guidelines for the establishment of a Limited Residential District, which include:

1) Areas, other than those in a Resource Protection District or a Stream Protection District, that are suitable for residential and recreational development. They include areas used less intensively than in a Limited Commercial District, a General Development District, or a Commercial Fisheries/Maritime Activities District.

7.1.10 LIMITED RESOURCE PROTECTION SHORELAND OVERLAY (LRPO): An area within 250 feet of the shoreline of a water body or a freshwater or coastal wetland, and which includes strict protection of vegetation within 100 feet of such water body or wetland. Land within this area is suitable for development with low-density residential and recreational uses, and limited low-impact commercial and noncommercial uses. Upon the initial adoption of State-mandated shoreland regulations, the residential uses in this district were originally placed in the Resource Protection District.

7.1.10.1 The LRPO District is based on DEP districting guidelines for the establishment of a Limited Residential District, which include:

1) Areas, other than those in a Resource Protection District or a Stream Protection District, that are suitable for residential and recreational development. They include areas used less intensively than in a Limited Commercial District, a General Development District, or a Commercial Fisheries/Maritime Activities District.

7.1.11 RESIDENTIAL GROWTH (RG): An area suitable for development of residential uses and other uses appropriate for a residential neighborhood environment. Portions of the district are now served by public water and sewer, which are intended to be expanded as future development requires.

7.1.12 RESOURCE PROTECTION SHORELAND OVERLAY (RPO): An area within 250 feet of any shoreline in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas, except as otherwise identified in Sections 7.1.12.2 and 7.1.12.3:

1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
3) Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

7.1.12.1 The Town of Bucksport adds the following districting guideline for the establishment of a Resource Protection Overlay District:

1) Land areas surrounding Silver Lake, the town's public water supply, except any developed area that was in existence before December 10, 2009.

7.1.12.2 Shoreland areas in the Tannery Brook or Stream Protection Overlay District, or that meet the criteria in Section 7 for the Route 1 Shoreland, Downtown Shoreland, or Commercial Fisheries/Maritime Activities District need not be included within the Resource Protection Overlay District.

7.1.12.3 Any currently developed shoreland area that was in existence before December 10, 2009, need not be included within the Resource Protection Overlay District.

7.1.13 ROUTE 1 SHORELAND (RT1S): An area suitable for residential uses, commercial uses and noncommercial uses that occupy structures with residential architecture. The area is located between U.S. Route 1 and the Penobscot River and includes areas located more than 250' from the shoreline of Penobscot River. Developed properties are served by public water and sewer.

7.1.13.1 The RT1S District is based on DEP districting guidelines for the establishment of a Limited Commercial District, which includes areas of mixed commercial and residential uses that are not developed as intensively as similar uses in a General Development 1 District. These areas include, but are not limited to, the following:

1) Areas of 2 or more contiguous acres in size devoted to a mix of residential and low intensity commercial uses.

7.1.14 ROUTE 15 RESIDENTIAL-COMMERCIAL (RT15RC): An area suitable for residential uses, limited commercial and noncommercial uses, agricultural and forestry uses. The area includes land within 1,000 feet of the easterly side of River Road, and land between Penobscot River and River Road, as shown on the official zoning map. Developed properties are served by private water supplies and private subsurface wastewater disposal systems.

7.1.15 RURAL 1 (R1): An area suitable for agricultural, forestry, recreational and public uses, as well as residential uses and limited commercial and noncommercial uses. The area is within a range of approximately 4 miles from the center of town, except as otherwise identified. Developed properties are served by private water supplies and private subsurface wastewater disposal systems.

7.1.15.1 Land area located in the R1 District is partitioned into sections on the official zoning map to aid in the identification of areas in the district where uses may be subject to restrictions that are not applicable

throughout the district. These sections are described as follows:

1) R1(DCR): The R1 Development Corridor Section includes land located within 1,000 feet of each side of every public road, except where any portion of a public road is located within RT15RC or within any district in the Compact Area. Some areas of R1(DCR) may exceed 1,000 feet, as shown on the official zoning map.
   Primary constraints for development: Developed lots, shoreland, distance from municipal services.
2) R1(BC): The R1 Bucksport Center Section includes land southerly of R1(DCR) on Town Farm Road, westerly of R1(DCR) on Silver Lake Road, easterly of RT15RC and northerly of ID.
   Primary constraints for development: Significant wildlife habitat, shoreland.
3) R1(SL): The R1 Silver Lake Section includes land southerly of R1(DCR) on Cross Road, westerly of R1(DCR) on Millvale Road, easterly of R1(DCR) on Silver Lake Road, and northerly of VIL.
   Primary constraints for development: Public water supply, shoreland.
4) R1(SB): The R1 Stubbs Brook Section includes land southerly of R1(DCR) on Jacob Buck Pond Road and Turkey Path, westerly of R1(DCR) on Bucksmills Road, and easterly of R1(DCR) on Millvale Road.
   Primary constraints for development: Significant wildlife habitat, shoreland.
5) R1(WB): The R1 White's Brook Section includes land southerly of R2(BM), westerly of R1(DCR) on State Route 46, easterly of R1(DCR) on Bucksmills Road and northerly of R1(DCR) on Russell Hill Road.
   Primary constraints for development: Shoreland.
6) R1(HP): The R1 Heritage Park Section includes land southerly of R1(DCR) on Russell Hill Road, westerly of R1(DCR) on State Route 46, easterly of R1(DCR) on Central Street and northerly of C2, C3 and RG.
   Primary constraints for development: None identified.
7) R1(DC): The R1 Duck Cove Section includes land southerly of R1(DCR) on Duck Cove Road, westerly of the town boundary and easterly of R1(DCR) on State Route 46.
   Primary constraints for development: Significant wildlife habitat.

7.1.16 <u>RURAL 2</u> (R2): An area suitable for agricultural, forestry, recreational and public uses, as well as residential uses and limited commercial and noncommercial uses that will not adversely impact the town's ability to provide an adequate level of municipal services. The area is outside a range of approximately 4 miles from the center of town. Developed properties are served by private water supplies and private septic systems.

7.1.16.1 Land area located in the R2 District is partitioned into sections on the official zoning map to aid in the identification of areas in the district where uses may be subject to restrictions that are not applicable throughout the district. These sections are described as follows:

1) R2(CH): The R2 Cobb Hill Section includes land westerly of R1(DCR) on Millvale Road, easterly of RT15RC and northerly of R1(DCR) on Town Farm Road.
   Primary constraints for development: Steep slopes, significant wildlife habitat, shoreland, distance from municipal services.
2) R2(NB): The R2 North Bucksport Section includes land southerly of the town boundary, westerly of R2(WP), easterly of RT15RC and northerly of R1(DCR) on Millvale Road.
   Primary constraints for development: Distance from municipal services.
3) R2(WP): The R2 Williams Pond Section includes land southerly of the town boundary,

westerly of R2(JB), easterly of R2(NB) and northerly of R1(DCR) on Millvale Road and Williams Pond Road.
Primary constraints for development: Significant wildlife habitat, shoreland, distance from municipal services.

4) R2(JB): The R2 Jacob Buck Section includes land southerly of the town boundary, westerly of R2(TP), easterly of R2(WP) and northerly of R1(DCR) on Millvale Road, Williams Pond Road and Jacob Buck Pond Road.
Primary constraints for development: Shoreland, steep slopes, distance from municipal services.

5) R2(OM): The R2 Orcutt Mountain Section includes land southerly R2(TP) and R1(DCR) on Jacob Buck Pond Road and northerly of R1(DCR) on Turkey Path and Bucksmills Road.
Primary constraints for development: Steep slopes, shoreland.

6) R2(BM): The R2 Bucksmills Section includes land westerly of R1(DCR) on Church Road and State Route 46, easterly of R1(DCR) on Bucksmills Road and northerly of R1(WB).
Primary constraints for development: Shoreland, farmlands, mineral extractions.

7) R2(TP): The R2 Thurston Pond Section includes land southerly and westerly of R1(DCR) on Bucksmills Road, easterly of the town boundary and northerly of R2(JB) and R2(OM).
Primary constraints for development: Significant wildlife habitat, shoreland, steep slopes, distance from municipal services.

8) R2(BL): The R2 Brewer Lake Section includes land southerly of the town boundary, westerly of R2(LP) and easterly of R1(DCR) on Bucksmills Road.
Primary constraints for development: Shoreland, steep slopes, distance from municipal services.

9) R2(LP): The R2 Long Pond Section includes land southerly of the town boundary, westerly of R1(DCR) on State Route 46 and easterly of R2(BL) and R1(DCR) on Bucksmills Road and Church Road.
Primary constraints for development: Significant wildlife habitat, shoreland, steep slopes, distance from municipal services.

10) R2(MS): The R2 Moosehorn Stream Section includes land westerly of the town boundary, easterly of R1(DCR) on State Route 46, northerly of R1(DCR) on Mast Hill Road and Bald Mountain Road and southerly of R2(CR) and R2(MP).
Primary constraints for development: Shoreland, steep slopes, distance from municipal services.

11) R2(CR): The R2 County Road Section includes land southerly of the town boundary, westerly of R2(MP) and northerly of R2(MS).
Primary constraints for development: Steep slopes, distance from municipal services.

12) R2(MP): The R2 Moulton Pond Section includes land southerly and westerly of the town boundary, easterly of R2(CR) and northerly of R2(MS).
Primary constraints for development: Shoreland, steep slopes, distance from municipal services.

7.1.17 STREAM PROTECTION SHORELAND OVERLAY (SPO): An area within 75 feet of the shoreline of a stream, exclusive of those areas within 250 feet of the shoreline of a great pond, river, or freshwater or coastal wetland. Land within this area is primarily undeveloped, but is suitable for development with low-density residential and recreational uses, and limited low-impact commercial and noncommercial uses, subject to compliance with more restrictive regulations than those that are

applicable in other shoreland districts.

7.1.17.1 The SPO District is based on DEP districting guidelines for the establishment of a Stream Protection District, which include:

- Areas within 75 feet of the shoreline of a stream, exclusive of those areas within 250 feet of the shoreline of a great pond or river, or within 250 feet of the shoreline of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within 250 feet of the shoreline of such water bodies or wetlands, that land area is regulated under the terms of the shoreland district associated with that water body or wetland.

7.1.18 TANNERY BROOK SHORELAND OVERLAY (TBO): An area within 75 feet of the shoreline of Tannery Brook, exclusive of those areas within 250 feet of the shoreline of a great pond, river, or freshwater or coastal wetland. Land within this area is suitable for development with low-density residential and recreational uses, and limited low-impact commercial and noncommercial uses.

7.1.18.1 The TBO District is based on DEP districting guidelines for the establishment of a Stream Protection District, which include:

- Areas within 75 feet of the shoreline of a stream, exclusive of those areas within 250 feet of the shoreline of a great pond or river, or within 250 feet of the shoreline of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within 250 feet of the shoreline of such water bodies or wetlands, that land area is regulated under the terms of the shoreland district associated with that water body or wetland.

7.1.19 VILLAGE (VIL): An area suitable for residential uses, public uses, places of worship, and some small businesses that are appropriate for a residential neighborhood environment. The area is served primarily by town water and sewer.

7.1.20 CONTRACT ZONE OVERLAY (CZO): An area within any of the basic districts described in Sections 7.1.1 through 7.1.19 that may be conditionally zoned in accordance with 30-A M.R.S.A. §4352 and as approved by the planning board and town council in accordance with Section 9.2. Such conditionally zoned areas shall be designated as Contract Zone Overlay Districts on the Official Zoning Map. The intent of regulations affecting the use of land and buildings within this overlay district is to mitigate potential adverse effects upon adjacent properties and the town by providing a mechanism whereby specific conditions may be added to the granting of a change in zoning. A zone change to CZO may only be granted if the application of the zoning to the property in question meets the same standards of consistency with the town's comprehensive plan as any other zone change enacted under the provisions of this ordinance.

7.2 All districts described in Section 7.1 are shown on the town's official zoning map, entitled "Official Zoning Map of Bucksport, Maine", which is on file in the office of the town clerk. The official map must be printed at a scale that clearly delineates district boundaries. The map may include more than one sheet to include larger scale inset maps for small districts not clearly delineated at the primary scale of the map. The town clerk shall sign the official zoning map at the time of adoption or amendment by the town council, certifying the date of such adoption or amendment. The Official Zoning Map of Bucksport, Maine, as amended, is made part of and incorporated into this ordinance. A reduced-size copy of the Official Zoning Map is located in Addendum #1 to this ordinance.

7.3 The locations of district boundary lines illustrated on the official zoning map, are interpreted as follows:

7.3.1 Boundary lines shown following streets, highways, railroads or rights-of-way are construed to follow their centerlines.

7.3.2 Boundary lines shown following lot lines or town boundary lines are construed to follow such lines.

7.3.3 Boundary lines that are not referenced to any identifiable feature must be determined by measurement based on the scale of the map.

7.3.4 In the event of uncertainty with interpreting the location of a district boundary line, the board of appeals shall make the final determination.

7.4 Any change to the location of a district boundary line on the official zoning map must be approved by the town council. Any change to a shoreland district boundary must be also approved in accordance with Section 5.2.

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SECTION 8 LAND USE CATEGORIES

[AMENDED 11-10-11 EFFECTIVE 12-10-11]

8.1 All land uses regulated by this ordinance are classified within 15 general categories as described in this section.

8.2 Land uses classified in each category are designated in Section 9 as allowed, allowed with limitation or prohibited in each district.

8.3 The code enforcement officer shall be responsible for identifying the appropriate land use classification for any existing or proposed land use. The classification must be based on a comparison with classified land uses in this section that have similar functions and features. A land use involving multiple functions and features may be identified by more than one land use classification.

8.4 Any land use with functions and features that cannot be classified in any land use category described in this section is considered a prohibited use until such time the town council has approved an appropriate new land use classification for the use and determined the districts where such use may locate with or without restrictions.

8.5 The 15 general land use categories and the land uses classified within each category are described as follows:

8.5.1 ACCESSORY: Land uses in this category include those that are incidental and subordinate to principal uses, but which may also exist as the sole use of a property or in combination with other uses classified in this category. ACCESSORY uses, when aggregated, may not subordinate the principal use of the lot. Land uses in this category include:

ANTENNAS
BARNS
BUNKHOUSES
DECKS
FABRIC-COVERED SHELTERS
FENCES
GARAGES
GAZEBOS
HOME VEHICLE SERVICES
HUTS
OFFICE & STORAGE TRAILERS
OUTBUILDINGS
OUTDOOR RECREATION
OUTDOOR WOOD BOILERS
PATIOS
PENS/CORRALS
PET SHELTERS
ROUTINE PROPERTY MAINTENANCE/ REPAIRS
SHEDS
SIGNS
SOLAR ENERGY SYSTEMS
UTILITY SERVICE CONNECTIONS
WINDMILLS
YARD SALES

8.5.2 ASSEMBLY: Land uses in this category include those that involve people gathering for a common purpose in one or more buildings intended for such gatherings. Land uses in this category include:

AUCTION HOUSES
ENTERTAINMENT ESTABLISHMENTS
FUNERAL HOMES
LIBRARIES
MEETING FACILITIES
MUSEUMS
PLACES OF WORSHIP
RECREATIONAL FACILITIES (INDOOR)
RESTAURANTS
TAVERNS

8.5.3 EDUCATION: Land uses in this category include those that involve teaching, training, instructing or researching, related recreational and cultural functions and related administrative functions.

Land uses in this category include:
RESEARCH FACILITIES
SCHOOLS
SCHOOL ADMINISTRATIVE OFFICES
SMALL FACILITIES FOR EDUCATIONAL, SCIENTIFIC OR NATURE INTERPRETATION USE

8.5.4 HEALTH CARE: Land uses in this category include those that involve traditional or nontraditional mental health or physical health care services in a professional setting such as an office, clinic, hospital or other health care facility, either on an outpatient or inpatient basis. Land uses in this category include:

ALTERNATIVE TREATMENT OFFICES
ANCILLARY MEDICAL SERVICES
CLINICIAN OFFICES
COUNSELOR OFFICES
HOME-BASED HEALTH CARE SERVICES
HOSPITALS
OUTPATIENT CLINICS
SKILLED NURSING FACILITIES
VETERINARIAN PRACTICES

8.5.5 HOUSING: Land uses in this category include those that involve places of residence, daycare or assisted housing. Land uses in this category include:

ADULT FAMILY CARE HOMES
DAYCARE CENTERS
DAYCARE HOMES
DORMITORIES
DWELLING UNITS
INDEPENDENT HOUSING WITH SERVICES
MOBILE HOMES
MOBILE HOME PARKS
MULTI-FAMILY DWELLINGS
ONE-FAMILY DWELLINGS
ONE & ½- FAMILY DWELLINGS
PRE-SCHOOLS/NURSERY SCHOOLS
RESIDENTIAL CARE FACILITIES
TWO-FAMILY DWELLINGS

8.5.6 INDUSTRY: Land uses in this category include those that involve large-scale manufacturing, assembling, refining, processing or fabricating operations, fuel and chemical storage facilities, power-generating facilities, freight terminals, communication facilities or other operations, all of which share the common feature of delivering goods or services primarily to customers outside the local area, via rail, truck, marine, or air transport methods, via wireless transmission or via above or below ground transmission lines or pipelines. INDUSTRY uses also present a high risk of detrimental effects on the environment or abutting properties caused by noise, vibration, light, electromagnetic fields, smoke, dust, odor, contamination of air, water or soil, or visual appearance. Land uses in this category include:

BULK FUEL/CHEMICAL STORAGE FACILITIES
COMMUNICATION FACILITIES
FACTORIES
FREIGHT TERMINALS
INTRASTATE/INTERSTATE PIPELINES
INTRASTATE/INTERSTATE TRANSMISSION LINES
MILLS
POWER GENERATING FACILITIES
PRODUCT DISTRIBUTION FACILITIES
RAIL TRANSPORTATION FACILITIES
REFINERIES

8.5.7 LODGING: Land uses in this category include those that involve sleeping accommodations offered to the public on a transitory basis. Land uses in this category include:

HOME-BASED LODGINGS
HOTELS
MOTELS
RECREATIONAL LODGING

8.5.8 MERCANTILE: Land uses in this category include those that involve the display and storage of merchandise for sale, either on a retail, wholesale or lease basis. Land uses in this category include:
HOME-BASED MERCHANTS
LARGE PRODUCT DEALERS
STORES

8.5.9 MUNICIPAL: Land uses in this category include those that involve public use spaces, burial grounds, maintenance and storage facilities and support functions for services offered to the public by a municipality. Uses that may be conducted by a commercial or noncommercial entity are marked with an asterisk. Land uses in this category include:
ANIMAL IMPOUNDMENTS*
CEMETERIES*
PARKING FACILITIES*
PUBLIC BATHROOMS*
PUBLIC INFORMATION CENTERS*
PUBLIC RECREATION*
PUBLIC SAFETY FACILITIES*
PUBLIC TRANSPORTATION FACILITIES*
PUBLIC WORKS FACILITIES
SOLID WASTE DISPOSAL FACILITIES
UTILITY TRANSPORT SYSTEMS*
WASTEWATER TREATMENT FACILITIES*
WATERWORKS FACILITIES*

8.5.10 PRODUCTION: Land uses in this category include those that involve manufacturing or processing operations, other than those classified as INDUSTRY land uses in Section 8.5.6. Land uses in this category include:
AQUACULTURE
AUTOMOBILE GRAVEYARDS
AUTOMOBILE RECYCLING FACILITIES
COMMERCIAL FISHERIES
HOME-BASED PRODUCTIONS
JUNKYARDS
MANUFACTURING FACILITIES
METALLIC MINERAL MINING
MINERAL EXTRACTIONS
SALVAGE YARDS

8.5.11 PROFESSIONAL: Land uses in this category include those that involve business activity conducted primarily in an office environment. Land uses in this category include:
BUSINESS OFFICES
FINANCIAL INSTITUTIONS
HOME-BASED PROFESSIONS
TELEMARKETING CENTERS

8.5.12 RURAL: Land uses in this category include those that involve the growing and harvesting of crops for human food or animal feed; the raising or butchering of animals for food or for ingredients used to produce a product; the breeding, care and housing of animals or the harvesting of timber. Land uses in this category include:
ABATTOIRS
AGRICULTURE (COMMERCIAL)
AGRICULTURE (HOMESTEAD)
ANIMAL HUSBANDRY
KENNELS
TIMBER HARVESTING

8.5.13 SEASONAL: Land uses in this category include places of business or organized public activities and events that take place primarily out-of-doors on a one-time or seasonal basis. Land uses in this

category include:

CAMPGROUNDS	OUTDOOR MARKETS
FAIRGROUNDS	OUTDOOR VENDORS
MARINAS	RECREATIONAL FACILITIES (OUTDOOR)
OUTDOOR FESTIVALS	

8.5.14 SITE WORK: Land uses in this category include activities conducted at or below grade that involve water or land access, wastewater disposal, soil or mineral disturbance, the planting or removal of vegetation or other landscaping activities. Land uses in this category include:

ARCHEOLOGICAL EXCAVATIONS	PARKING LOTS
BOAT LAUNCHING FACILITIES	ROADS & SIDEWALKS
DRIVEWAYS	STAIRS/RAMPS FOR WATER ACCESS
EMERGENCY OPERATIONS	SUBSURFACE WASTEWATER DISPOSAL SYSTEMS
FOREST MANAGEMENT	WATER WELLS
LANDSCAPING/HORTICULTURE	ZERO SETBACK SHORELINE STRUCTURES
MINERAL EXPLORATIONS	

8.5.15 TRADE: Land uses in this category include those that involve a learned or licensed skill or a specialized service other than uses classified as EDUCATION, HEALTH CARE, or PROFESSIONAL land uses. Land uses in this category include:

HOME-BASED TRADES	PERSONAL CARE SERVICES
OFF-SITE SERVICES	VEHICLE SERVICES-CLASS 1
ON-SITE SERVICES	VEHICLE SERVICES-CLASS 2

SECTION 9 LAND USES: ALLOWED, PROHIBITED

9.1 The table of land uses in Section 9.5 identifies all land uses as either allowed, allowed with limitation or prohibited in each district, except as provided for in Section 9.2. The table of land uses also identifies the review classification for the establishment of allowed land uses. Land uses identified as Level 1 or Level 2 land uses are subject to compliance with the review requirements in Section 11 and the applicable land use standards in Sections 12, 13 and 14. Land uses identified as allowed without approval are subject to compliance with the applicable land use standards in Sections 12, 13 and 14, but are not subject to review.

9.2 Land uses are regulated in a Contract Zone Overlay District (CZO) as follows:

9.2.1 Any land use may be allowed in an area identified as a CZO District provided that:

1) the rezoning is consistent with the purposes of the town's comprehensive plan, as adopted,
2) the land use is consistent with existing and permitted uses in any applicable underlying district,
3) the land use has received planning board approval as a conditional use,
4) appropriate conditions and restrictions relating to the physical development and use of the property have been made part of the approval,
5) the town council has approved the rezoning for the land use, and
6) both the property owner or their authorized representative and the town have entered into a written agreement that provides for the implementation and enforcement of all terms and conditions imposed and agreed to by the parties pursuant to this section.

9.2.2 The planning board shall conduct a public hearing before any proposed land use may be approved for placement in a CZO District. Notification of the hearing must meet the requirements of Section 6.4(3).

9.2.3 The planning board shall conduct a review of any application for the placement of a land use in a CZO District in accordance with the review requirements of Section 11.4.

9.2.4 In approving the establishment of a CZO District, the planning board may place any conditions of approval for the proposed land use that are deemed to be appropriate or necessary to meet the requirements of Section 9.2.1 including, but not limited to:

1) limitations on the height, floor area and lot coverage of any structure built on the property,
1) limitations on the intensity and extent of the uses permitted in the district on the subject property,
2) increased setbacks for any structure built on the property, and
3) the installation, operation and maintenance of physical improvements for the convenience of the general public, including but not limited to off-street parking lots, traffic control devices, fencing, plantings and landscaping.

9.2.5 The approval of a CZO District by the planning board must be confirmed by the town council. The town council shall conduct a public hearing on the proposed land use. Notification of the hearing must meet the requirements of Section 6.4(3).

9.2.6 In confirming the planning board's approval of a CZO District, the town council may place any additional conditions of approval for the proposed land use that are deemed to be appropriate or necessary to meet the requirements of Section 9.2.1.

9.2.7 The establishment of a CZO District may not exempt the use or development of any property from other applicable minimum standards or requirements in this ordinance or as otherwise required by law.

9.3 The table of land uses in Section 9.5 contains the following information:

1) All land uses identified in Section 8 and in which district each use is allowed, allowed with

limitation or prohibited.

2) The review classification for the establishment of each land use.
3) References to specific use standards in Section 13 and where in that section the standards are located.

9.3.1 The establishment of any land use that may be identified with more than one land use classification is subject to the highest level of review that is applicable.

9.3.2 The review classification for any change to a developed property or structure is determined in accordance with the requirements in Section 10.

9.4 Abbreviations and symbols used in Section 9.5 are identified as follows:

O- The use is allowed without review or approval or a land use permit, except where otherwise noted.

L1- The land use is allowed, subject to Level 1 review and approval by the code enforcement officer.

L2- The land use is allowed, subject to Level 2 review and approval by the planning board.

↓- A land use subcategory identified below may have a different review classification.

X- The land use is prohibited.

§13.#- A section number identifying the location of land use standards in Section 13 that are applicable to the specific land use.

D.#- A letter/number combination that refers to the corresponding numbered district note in Section 9.5.16. District notes include a general description of the district, and may also include requirements that are applicable to all land uses in a district.

A.#- A letter/number combination that refers to the corresponding land use note located at the end of each table. (Other letters are included.) Land use notes include restrictions pertaining to the location or prohibition of specific uses in a district.

9.4.1 District name abbreviations used in Section 9.5:

DT-	Downtown	RG-	Residential Growth
DTS-	Downtown Shoreland	RPO-	Resource Protection Shoreland Overlay
C1-	Commercial 1	RT1S-	Route 1 Shoreland
C2-	Commercial 2	RT15RC-	Route 15 Residential/Commercial
C3-	Commercial 3	R1-	Rural 1
CFMA-	Commercial Fisheries & Maritimes Activities Shoreland	R2-	Rural 2
		SPO-	Stream Protection Shoreland Overlay
		TBO-	Tannery Brook Shoreland Overlay
ID-	Industry Development	VIL-	Village
IDO-	Industry Development Shoreland Overlay		
LRO-	Limited Residential Shoreland Overlay		
LRPO-	Limited Resource Protection Shoreland Overlay		

9.5 TABLE OF LAND USES

9.5.1 ACCESSORY LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19
1.1 ANTENNAS	O ↓	O **A.1** ↓	O ↓	O ↓	O ↓	O **A.1** ↓	O ↓	O **A.1** ↓	O **A.1** ↓	O **A.1** ↓	O ↓	O **A.1** ↓	O **A.1** ↓	O ↓	O ↓	O ↓	O **A.2** ↓	O **A.2** ↓	O ↓
1.1.1 COMM./ NONCOMM. ANTENNAS	L2 **A.3**	L2 **A.3**	L2 **A.3**	L2 **A.3**	L2 **A.3**	L2 **A.3**	L2 **A.3**	L2 **A.3**	**X**	**X**	L2 **A.3**	**X**	L2 **A.3**	L2 **A.3**	L2 **A.3**	L2 **A.3**	**X**	**X**	L2 **A.3**
1.2 BARNS	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L2 **A.11**	L1	L1	L1	L1	L2 **A.11**	L1 **A.11**	L1
1.3 BUNK-HOUSES	L1	L1	L1	L1	**X**	**X**	L1	L1	L1	L1	L1	**X**	L1	L1	L1	L1	L1 **A.11**	L1 **A.11**	L1
1.4 DECKS, PORCHES, STAIRS, RAMPS	L1 **A. 10**	L1	L1 **A. 10**	L1 **A. 10**	L1 **A. 10**	L1	L1 **A. 10**	L1	L1	L1	L1 **A. 10**	L1	L1 **A. 10**	L1 **A. 10**	L1 **A. 10**	L1 **A. 10**	L1	L1	L1 **A. 10**
1.4 DECKS, PORCHES, STAIRS, RAMPS	L1 **A. 10**	L1 **A. 12**	L1 **A. 10**	L1 **A. 10**	L1 **A. 10**	L1 **A. 12**	L1 **A. 10**	L1 **A. 12**	L1 **A. 12**	L1 **A. 12**	L1 **A. 10**	L1 **A. 12**	L1 **A. 10**	L1 **A. 10**	L1 **A. 10**	L1 **A. 10**	L1 **A. 12**	L1 **A. 12**	L1 **A. 10**
1.5 FABRIC-COVERED SHELTERS §13.2.5	O	L1	O	O	O	L1	O	L1	L1	L1	O	L2 **A.11**	L1	O	O	O	L2 **A.11**	L1 **A.11**	O
1.6 FENCES §13.2.6	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
1.7 GARAGES	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L2 **A.11**	L1	L1	L1	L1	L2 **A.11**	L1 **A.11**	L1

9.5.1.1 ACCESSORY LAND USE NOTES

A.1 No satellite dish or antenna of any size may be built on, over or abutting a zero shoreline setback structure.

A.2 Only antennas for residential accessory use are allowed. The antenna must be attached to an existing principal or accessory structure, except a zero shoreline setback structure.

A.3 Commercial or noncommercial antennas mounted on a roof or wall of a building are not subject to review.

A.10 The installation of stairs and ramps that are not for public use is not subject to review or approval.

A.11 The use must be incidental and secondary to an existing allowed use. In the RPO District, new structures for the use are not allowed except as provided for in Section 17.5. In the SPO District, new structures for the use require a setback variance from the board of appeals.

9.5 TABLE OF LAND USES

9.5.1 ACCESSORY LAND USES (continued)

DISTRICTS →	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
1.8 GAZEBOS	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L2 **A.11**	L1	L1	L1	L1	L2 **A.11**	L1 **A.11**	L1
1.9 HOME VEHICLE SERVICES §13.2.9	O	O	O	O	**X**	**X**	**X**	**X**	O	O	O	O	O	O	O	O	O	O	O
1.10 HUTS	L1	L1	L1	L1	**X**	L1	L1	L1	L1	L1	L1	L2 **A.11**	L1	L1	L1	L1	L2 **A.11**	L1 **A.11**	L1
1.11 OFFICE & STORAGE TRAILERS §13.2.11	O	L1	O	O	O	L1	O	L1	L1	L1	O	**X**	L1	O	O	O	**X**	**X**	O
1.12 OUT-BUILDINGS	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L2 **A.11**	L1	L1	L1	L1	L2 **A.11**	L1 **A.11**	L1
1.13 OUTDOOR RECREA-TION §13.2.13	O ↓	O ↓	O ↓	O ↓	**X**	O ↓	**X**	**X**	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓
1.13.1 INDIVIDUAL PRIVATE CAMPSITES	O	L1	O	O	**X**	**X**	**X**	**X**	L1	L1	O	L1	L1	O	O	O	L1	L1	O
1.13.2 PERMANENT SWIMMING POOLS/HOT-TUBS/ SAUNAS	L1	L1	L1	L1	**X**	**X**	**X**	**X**	L1	L1	L1	L2 **A.11**	L1	L1	L1	L1	L2 **A.11**	L1 **A.11**	L1
1.13.3 R.V. PARKING SITES/HOOK-UPS	O **A.9**	L1	O **A.9**	O **A.9**	**X**	**X**	**X**	**X**	L1	L1	O **A.9**	L2 **A.11**	L1	O **A.9**	O **A.9**	O **A.9**	L2 **A.11**	L1 **A.11**	O **A.9**

9.5.1.2 ACCESSORY LAND USE NOTES

A.9 Enclosures for recreational vehicles are subject to Level 1 review, except for fabric-covered shelters.

A.11 The use must be incidental and secondary to an existing allowed use. In the RPO District, new structures for the use are not allowed except as provided for in Section 17.5. In the SPO District, new structures for the use require a setback variance from the board of appeals.

9.5 TABLE OF LAND USES

9.5.1 ACCESSORY LAND USES (continued)

DISTRICTS →	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
1.13.4 PLAY FIELDS/ COURTS	O	L1	O	O	**X**	**X**	**X**	**X**	L1	L1	O	L2 **A.11**	L1	O	O	O	L2 **A.11**	L1 **A.11**	O
1.14 OUTDOOR WOOD BOILERS §13.2.14	**X**	**X**	L1	L1	L1	L1	L1	L1	L1 **A.4**	L1 **A.4**	L1	L2 **A.4**	**X**	L1	L1	L1	L1 **A.4**	**X**	**X**
1.15 PATIOS	O	L1	O	O	O	L1	O	O	L1	L1	O	L2 **A.11**	L1	O	O	O	L2 **A.11**	L1 **A.11**	O
1.16 PENS/ CORRALS	O	O	O	O	**X**	**X**	**X**	**X**	O	O	O	O	O	O	O	O	O	O	O
1.17 PET SHELTERS	O **A.8**	O **A.8**	O **A.8**	O **A.8**	**X**	**X**	**X**	**X**	O **A.8**	O **A.8**	O **A.8**	O **A.8**	O **A.8**	O **A.8**	O **A.8**	O **A.8**	O **A.8**	O **A.8**	O **A.8**
1.18 ROUTINE PROPERTY MAINT. & REPAIRS §13.2.18	O	O **A.6**	O	O	O	O **A.6**	O	O **A.6**	O **A.6**	O **A.6**	O	O **A.6**	O **A.6**	O	O	O	O **A.6**	O **A.6**	O
1.19 SHEDS §13.2.19	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L2 **A.11**	L1	L1	L1	L1	L2 **A.11**	L1 **A.11**	L1
1.20 SIGNS §13.2.20	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1

9.5.1.3 ACCESSORY LAND USE NOTES

A.4 Outdoor wood boilers are prohibited in this district if they are prohibited in the underlying district.

A.6 A culvert replacement is subject to Level 1 review if the replacement culvert is more than 25% longer than the culvert being replaced or is longer than 75 feet.

A.8 Pet shelters over 100 sq. ft in area are subject to Level 1 review.

A.11 The use must be incidental and secondary to an existing allowed use. In the RPO District, new structures for the use are not allowed except as provided for in Section 17.5. In the SPO District, new structures for the use require a setback variance from the board of appeals.

9.5 TABLE OF LAND USES

9.5.1 ACCESSORY LAND USES (continued)

DISTRICTS →	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
1.21 SOLAR ENERGY SYSTEMS §13.2.21	O A.5	L1 A.5	O A.5	O A.5	O A.5	L1 A.5	O A.5	O A.5	L1 A.5	L1 A.5	O A.5	L2 A.5 A.13	L1 A.5	O A.5	O A.5	O A.5	L2 A.5 A.13	L2 A.5	O A.5
1.22 UTILITY SERVICE CONNEC-TIONS §13.2.22	O	O A.7	O	O	O	O A.7	O	O A.7	O A.7	O A.7	O	O A.7	O A.7	O	O	O	O A.7	O A.7	O
1.23 WIND-MILLS §13.2.23	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	X	L1 A.5	L1 A.5	L1 A.5	L1 A.5	X	L2 A.5	L1 A.5
1.24 YARD SALES	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O

9.5.1.4 ACCESSORY LAND USE NOTES

A.5 The land use is limited to the minimum number necessary to meet the energy requirements of the on-site consumer.

A.7 The placement of utility poles to provide a utility service connection that is more than 1,000 feet in length, or the installation of outside concrete pads for fuel tanks, generators, HVAC equipment and other similar uses is subject to Level 1 review.

A.13 The use must be incidental and secondary to an existing allowed use. In the RPO District, new structures for the use are not allowed except as provided for in Section 17.5. In the SPO District, new structures for the use require a setback variance from the board of appeals, except as provided for in Section 13.2.21.1.

9.5 TABLE OF LAND USES

9.5.2 ASSEMBLY LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19
2.1 AUCTION HOUSES	L2	L2	L2	L2	**X**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	L2	L2 **B.2**	**X**	**X**	**X**	**X**
2.2 ENTER-TAINMENT ESTABLISH-MENTS §13.3.2	L2 **B.1**	L2 **B.1**	L2 **B.1**	L2 **B.1**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2 **B.1**	L2 **B.2 B.3**	**X**	**X**	**X**	**X**
2.3 FUNERAL HOMES	L2 **B.4**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**
2.4 LIBRARIES	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	L2	**X**	L2	L2	L2 **B.2**	**X**	**X**	**X**	L2
2.5 MEETING FACILITIES	L2	L2	L2	L2	**X**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	L2	L2 **B.2**	**X**	**X**	**X**	**X**
2.6 MUSEUMS	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	L2 **B.2**	**X**	**X**	**X**	L2
2.7 PLACES OF WORSHIP	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	L2	**X**	L2	L2	L2 **B.2**	**X**	**X**	**X**	L2
2.8 RECREA-TIONAL FACILITIES (INDOOR)	L2	L2	L2	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2 **B.2**	**X**	**X**	**X**	**X**
2.9 RESTAU-RANTS §13.3.9	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**
2.10 RETAIL MARIJUANA SOCIAL CLUBS	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**
2.11 TAVERNS	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**

9.5.2.1 ASSEMBLY LAND USE NOTES

B.1 Entertainment establishments that include adult entertainment are prohibited.

B.2 The land use is not allowed in R1(SL) unless it is provided with public sewer service.

B.3 Adult entertainment establishments are not allowed in R1(DCR).

B.4 The land use may not be located on any lot with frontage on Main Street.

9.5 TABLE OF LAND USES

9.5.3 EDUCATION LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19
3.1 RESEARCH FACILITIES	L2	L2	L2	L2	L2	**X**	L2	L2	**X**	**X**	L2	**X**	**X**	L2	L2	L2	**X**	**X**	L2
3.2 SCHOOLS	L2	L2	L2	L2	L2 **C.1**	**X**	L2 **C.1**	L2 **C.1**	**X**	**X**	L2	**X**	**X**	L2	L2 **C.3**	**X**	**X**	**X**	L2
3.3 SCHOOL ADMINIS-TRATIVE OFFICES	L2	L2	L2	L2	L2	**X**	L2 **C.2**	L2 **C.2**	**X**	**X**	L2	**X**	L2	L2	L2 **C.3**	**X**	**X**	**X**	L2
3.4 SMALL EDU-CATIONAL/ SCIENTIFIC/ NATURE INTERPRE-TATION FACILITIES	L1	L1	L1	L1	**X**	**X**	L2	L2	L1	L1	L1	L2	L1	L1	L1	L1	L2 **C.4**	L1	L1

9.5.3.1 EDUCATION LAND USE NOTES

C.1 The land use is limited to schools that offer training and education to meet licensing or certification prerequisites, schools that offer specialized training, and schools that offer post-secondary education.

C.2 The land use is limited to administrative offices for schools allowed in the district.

C.3 The land use is not allowed in R1(SL) unless it is provided with public sewer service.

C.4 New structures for the use require a setback variance from the board of appeals.

9.5 TABLE OF LAND USES

9.5.4 HEALTH CARE LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19
4.1 ALTERNA-TIVE TREATMENT OFFICES	L2	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	L2 **D.3**	**X**	**X**	**X**	L2 **D.1**
4.2 ANCILLARY MEDICAL SERVICES	L2	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	L2 **D.3**	**X**	**X**	**X**	L2 **D.1**
4.3 CLINICIAN OFFICES	L2	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	L2 **D.3**	**X**	**X**	**X**	L2 **D.1**
4.4 COUNSELOR OFFICES	L2	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	L2 **D.3**	**X**	**X**	**X**	L2 **D.1**
4.5 HOME-BASED HEALTH CARE SERVICES §13.5.5	L1	L1	L1	L1	**X**	**X**	**X**	**X**	L1	L1	L1	**X**	L1	L1	L1	L1	L1	L1	L1 **D.2**
4.6 HOSPITALS	**X**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**
4.7 OUTPATIENT CLINICS	L2	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	L2 **D.3**	**X**	**X**	**X**	L2 **D.1**
4.8 SKILLED NURSING FACILITIES	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2 **D.3**	**X**	**X**	**X**	L2
4.9 VETERIN-ARIAN PRACTICES §13.5.9	**X**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	L2	**X**	**X**	**X**

9.5.4.1 HEALTH CARE LAND USE NOTES

D.1 Any new building or addition for this land use must be located on Broadway or Franklin Street.

D.2 The land use is limited to location in the principal dwelling.

D.3 The land use is not allowed in R1(SL) unless it is provided with public sewer service.

9.5 TABLE OF LAND USES

9.5.5 HOUSING LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19
5.1 ADULT FAMILY CARE HOMES §13.6.1	L2	L2	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2	**X**	L2	L2	L2	**X**	**X**	L2	L2
5.2 DAYCARE CENTERS §13.6.2	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	L2	**X**	L2	L2	L2 **E.8**	**X**	**X**	**X**	L2
5.3 DAYCARE HOMES §13.6.3	L1	L1	L1	L1	**X**	**X**	**X**	**X**	L1	L1	L1	**X**	L1	L1	L1	L1	L2 **E.12**	L2	L1
5.4 DORMI-TORIES	L2	L2	L2	L2	**X**	**X**	L2	L2	**X**	**X**	L2	**X**	L2	L2	L2	**X**	**X**	**X**	L2
5.5 DWELLING UNITS §13.6.5	L1 **E.9 E.10**	L1 **E.9 E.10**	L1 **E.9**	L1 **E.9**	**X**	**X**	**X**	**X**	**X**	**X**	L1 **E.9**	**X**	L1 **E.9**	L1 **E.9**	L1 **E.9**	L1 **E.9**	**X**	**X**	L1 **E.9**
5.6 INDEPEN-DENT HOUSING WITH SERVICES	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	L2	**X**	L2	L2	L2 **E.8**	**X**	**X**	**X**	L2 **E.1**
5.7 MOBILE HOMES §13.6.7	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L1	L1	L1	**X**	**X**	**X**

9.5.5.1 HOUSING LAND USE NOTES

E.1 The land use is only allowed in buildings existing on the effective date of this ordinance.

E.8 The land use is not allowed in R1(SL) unless it is provided with public sewer service.

E.9 Subdivision review is required if three or more dwelling units are added to a building, including expansions, in a five-year period.

E.10 Dwelling units are limited to a secondary use in commercial or noncommercial buildings.

E.12 New structures require a variance from the board of appeals.

9.5 TABLE OF LAND USES

9.5.5 HOUSING LAND USES (continued)

DISTRICTS →	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
5.8 MOBILE HOME PARKS §13.6.8	X	X	X	X	X	X	X	X	X	X	X	X	X	O E.2	O E.3	X	X	X	X
5.9 MULTI-FAM. DWELLINGS §13.6.9	O E.4 E.14	O E.5 E.14	O E.14	O E.14	X	X	X	X	X	X	O E.7 E.14	X	O E.14	O E.14	X	X	X	X	O E.6 E.14
5.10 ONE-FAMILY DWELLINGS §13.6.10	L1 E.4	L1 E.5	L1	L1	X	X	X	X	L1	L1	L1	L2 E.11	L1	L1	L1	L1	L2 E.12	L2	L1
5.11 ONE & ½ FAMILY DWELLINGS	L1 E.4	L1 E.5	L1	L1	X	X	X	X	L1	L1	L1	X	L1	L1	L1	L1	L2 E.12	L2	L1
5.12 PRE-SCHOOLS/ NURSERY SCHOOLS	L2	L2	L2	L2	X	X	X	X	X	X	L2	X	L2	L2	L2	X	X	X	L2
5.13 RESIDENTIAL CARE FACILITIES	L2	L2	L2	L2	X	X	X	X	X	X	X	X	L2	L2	X E.8	X	X	X	L2
5.14 TINY HOUSES §13.6.14	L1 E.4 E.13	L1 E.5 E.13	L1 E.13	X	X	X	X	X	L1 E.13	L1 E.13	L1 E.13	L2 E.11 E.13	L1 E.13	L1 E.13	L1 E.13	L1 E.13	L2 E.12 E.13	L2 E.13	L1 E.13
~~5.14~~ 5.15 TWO-FAMILY DWELLINGS §13.6.~~14~~ 15	L1 E.4	L1 E.5	L1	L1	X	X	X	X	L1	L1	L1	X	L1	L1	L1	L1	L2 E.12	L2	L1

9.5.5.2 HOUSING LAND USE NOTES

E.2 Mobile home parks must be located within 5 miles of the intersection of River Road and Main Street. Approval is required by the planning board in accordance with the requirements of Appendix C Subdivisions.

E.3 Mobile home parks may only be located in R1(HP) or R1(DCR) adjacent to R1(HP) that is on the southerly side of Central Street or Bucksmills Road, the southerly side of Russell Hill Road, or the northerly side of State Route 46. Approval is required by the planning board in accordance with the requirements of Appendix C Subdivisions.

E.4 The land use is not allowed on lots fronting the northerly side of Main Street between Mechanic Street and Central Street.

E.5 The land use is not allowed on the southerly side of Main Street between 34 Main Street and the district boundary line at 168 Main Street.

E.6 The land use is not allowed on any lot accessed by Evergreen Drive, Scott Lane, Forest Hill or Woodland Heights, or on any lot in the St. Regis Paper Company Subdivision or the Buck Housing Development.

E.7 The land use is limited to a maximum density of one dwelling unit per 4,000 square feet of lot area, with a maximum lot coverage by structures and other impervious surfaces of not more than 50%.

E.11 The land use is only allowed in accordance with the requirements of Section 17.5.

E.12 New structures require a variance from the board of appeals.

E.13 Tiny houses that are built on the frame of a motor vehicle or trailer are only allowed for seasonal occupancy.

E.14 Multi-family dwellings are subject to compliance with Appendix C Subdivision Ordinance.

9.5 TABLE OF LAND USES

9.5.6 INDUSTRY LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19
6.1 BULK FUEL OR CHEMICAL STORAGE FACILITIES	**X**	**X**	**X**	**X**	**X**	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**
6.2 COMMUNI-CATION FACILITIES §13.7.2	**X**	**X**	**X** ↓	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	L2	L2	L2	**X**	**X**	**X**
6.2.1 WIRELESS COMMUNI-CATION FACILITIES	**X**	**X**	L2	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	L2	L2	L2	**X**	**X**	**X**
6.3 FACTORIES	**X**	**X**	**X**	**X**	**X**	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**
6.4 FREIGHT TERMINALS	**X**	**X**	**X**	L2	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**
6.5 INTRASTATE/ INTERSTATE PIPELINES	**X**	**X**	**X**	L2	L2	L2	L2	L2	L2 **F.1**	L2 **F.1**	**X**	L2 **F.1**	**X**	L2	L2	L2	**X**	**X**	**X**
6.6 INTRASTATE/ INTERSTATE TRANS-MISSION LINES §13.7.6	**X**	**X**	**X**	L2	L2	L2	L2	L2	L2 **F.1**	L2 **F.1**	**X**	L2 **F.1**	**X**	L2	L2	L2	L2 **F.1**	L2 **F.1**	**X**
6.7 MILLS	**X**	**X**	**X**	**X**	**X**	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**

9.5.6.1 INDUSTRY LAND USE NOTES

F.1 The applicant must demonstrate that there is no reasonable alternative to locate the use outside the district. The land use is limited to transmission lines and pipelines only.

9.5 TABLE OF LAND USES

9.5.6 INDUSTRY LAND USES (continued)

DISTRICTS →	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
6.8 POWER GENERATING FACILITIES §13.7.8	**X**	**X**	**X**	**X**	**X** ↓	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X** ↓	**X** ↓	**X** ↓	**X**	**X**	**X**
6.8.1 WIND TURBINE FACILITIES	**X**	**X**	**X**	**X**	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	L2	L2 **F.3**	L2	**X**	**X**	**X**
6.9 PRODUCT DISTRI-BUTION FACILITIES	**X**	**X**	**X**	L2	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**
6.10 RAIL TRANS-PORTATION FACILITIES	**X**	**X**	**X**	**X**	**X**	L2	L2	L2	**X**	**X**	**X**	L2 **F.2**	**X**	L2	**X**	**X**	**X**	**X**	**X**
6.11 REFINERIES	**X**	**X**	**X**	**X**	**X**	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**

9.5.6.2 INDUSTRY LAND USE NOTES

F.2 The land use is limited to transport infrastructure.

F.3 The land use is not allowed in R1(DCR).

9.5 TABLE OF LAND USES

9.5.7 LODGING LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19
7.1 HOME-BASED LODGINGS §13.8.1	L1	L1	L1	L1	**X**	**X**	**X**	**X**	L1	L1	L1	**X**	L1	L1	L1	L1	L1 **G.2**	L1	L1 **G.1**
7.2 HOTELS	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	**X**	**X**	**X**	**X**	**X**
7.3 MOTELS	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	**X**	**X**	**X**	**X**	**X**
7.4 RECREA-TIONAL LODGING	L2	L2	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2	**X**	L2	L2	L2	L2	L2	L2	L2

9.5.7.1 LODGING LAND USE NOTES

G.1 The land use is limited to location in the principal dwelling.

G.2 New structures require a setback variance from the board of appeals.

9.5 TABLE OF LAND USES

9.5.8 MERCANTILE LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D 1	D 2	D 3	D 4	D 5	D 6	D 7	D 8	D 9	D 10	D 11	D 12	D 13	D 14	D 15	D 16	D 17	D 18	D 19
8.1 HOME-BASED MERCHANTS §13.9.1	L1 **H.6**	L1 **H.6**	L1 **H.6**	L1	**X**	**X**	**X**	**X**	**X**	**X**	L1 **H.6**	**X**	L1 **H.6**	L1	L1	L1	L1 **H.5 H.6**	L1	L1 **H.1 H.6**
8.2 LARGE PRODUCT DEALERS	**X**	**X**	L2	L2	L2 **H.3**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	L2	**X**	**X**	**X**	**X**	**X**
8.3 STORES §13.9.3	L2 **H.2** ↓	L2 **H.2** ↓	L2 ↓	L2 ↓	L2 **H.3** ↓	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2 **H.2** ↓	L2 ↓	L2 **H.2 H.4** ↓	**X**	**X**	**X**	**X**
8.3.1 LUMBER-YARDS	**X**	**X**	**X**	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	**X**	**X**	**X**	**X**	**X**
8.3.2 MEDICAL MARIJUANA DISPENSARIES	L2 **H.7**	L2 **H.7**	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**
8.3.3 RETAIL MARIJUANA STORES	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**

9.5.8.1 MERCANTILE LAND USE NOTES

H.1 The land use is limited to location in the principal dwelling.

H.2 The land use is limited to Class C Mercantile (3,000 sq. ft.). Adult products may not be offered for sale or lease.

H.3 The land use is limited to a secondary use that is directly related to the principal use of the property.

H.4 The land use is only allowed in R1(DCR).

H.5 New structures require a setback variance from the board of appeals.

H.6 The land use may not include sales or rentals of large products typical of a large product dealer.

H.7 The land use is limited to the street-level story of any commercial or noncommercial principal structure fronting on Main Street.

9.5 TABLE OF LAND USES

9.5.9 MUNICIPAL LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19
9.1 ANIMAL IMPOUND-MENTS §13.10.1	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	L2	**X**	**X**	**X**
9.2 CEMETERIES	**X**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	L2	**X**	**X**	L2
9.3 PARKING FACILITIES	L2	L2	L2	L2	L2	L2	L2	L2	**X**	**X**	L2	**X**	L2	L2	L2	**X**	**X**	**X**	L2
9.4 PUBLIC BATHROOMS §13.10.4	L2 **I.1**	L2 **I.1**	L2 **I.1**	L2 **I.1**	**X**	**X**	L2	L2	**X**	**X**	**X**	L2 **I.1**	L2 **I.1**	L2	L2	L2	**X**	**X**	L2 **I.1**
9.5 PUBLIC INFORMA-TION CENTERS	L2	L2	L2	L2	**X**	L2	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2	L2	**X**	**X**	L2
9.6 PUBLIC RECREATION	L2	L2	L2	L2	**X**	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2
9.7 PUBLIC SAFETY FACILITIES	L2	L2	L2	L2	**X**	L2	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2	L2	**X**	**X**	L2
9.8 PUBLIC TRANSPOR-TATION FACILITIES	L2 **I.2**	L2 **I.2**	L2	L2	L2	L2	L2	L2	**X**	**X**	L2 **I.2**	**X**	L2	L2	L2	**X**	**X**	**X**	L2 **I.2**
9.9 PUBLIC WORKS FACILITIES	**X**	**X**	L2 **I.1**	L2 **I.1**	**X**	L2 **I.1**	L2 **I.1**	L2 **I.1**	**X**	**X**	**X**	**X**	L2 **I.1**	L2 **I.1**	L2 **I.1**	L2 **I.1**	**X**	**X**	**X**
9.10 SOLID WASTE DISPOSAL FACILITIES	**X**	**X**	L2 **I.1**	L2 **I.1**	**X**	L2 **I.1**	L2 **I.1**	L2 **I.1**	**X**	**X**	**X**	**X**	**X**	L2 **I.1**	L2 **I.1**	L2 **I.1**	**X**	**X**	**X**

9.5.9.1 MUNICIPAL LAND USE NOTES

I.1 The land use may only be conducted by the town.

I.2 The land use is limited to passenger loading and disembarking of transportation vehicles.

9.5 TABLE OF LAND USES

9.5.9 MUNICIPAL LAND USES (continued)

DISTRICTS →	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
9.11 UTILITY TRANSPORT SYSTEMS §13.10.11	L2 ↓	L2 **I.4** ↓	L2 ↓	L2 ↓	L2 ↓	L2 **I.4** ↓	L2 ↓	L2 **I.4** ↓	L2 **I.4** ↓	L2 **I.4** ↓	L2 ↓	L2 **I.3** **I.4** ↓	L2 **I.4** ↓	L2 ↓	L2 ↓	L2 ↓	L2 **I.3** **I.4** ↓	L2 **I.3** **I.4** ↓	L2 ↓
9.11.1 ROADSIDE UTILITY TRANSPORT SYSTEMS	O	O **I.8**	O	O	O	O **I.8**	O	O	O **I.8**	O **I.8**	O	L1 **I.3**	O **I.8**	O	O	O	L1 **I.3**	L1 **I.3**	O
9.11.2 NON-ROADSIDE UTILITY POLES (≤ 10)	O	L1	O	O	O	L1	O	L1	L1	L1	O	L2 **I.3**	L1	O	O	O	L2 **I.3**	L2 **I.3**	O
9.12 WASTE-WATER TREATMENT FACILITIES §13.10.12	L2 **I.5** ↓	L2 **I.5** ↓	L2 **I.5** ↓	L2 **I.5** ↓	L2	L2 ↓	L2 ↓	L2 ↓	**X**	**X**	L2 **I.5** ↓	**X**	L2 **I.1** ↓	L2 ↓	L2 ↓	L2 ↓	L2 **I.5** ↓	L2 **I.5** ↓	L2 ↓
9.12.1 SEPTAGE STORAGE/ DEWATER FACILITIES	**X**	**X**	**X**	**X**	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2 **I.6**	L2 **I.7**	**X**	**X**	**X**
9.13 WATER-WORKS FACILITIES	L2 **I.5**	L2 **I.5**	L2 **I.5**	L2 **I.5**	L2	L2	L2	L2	**X**	**X**	L2 **I.5**	**X**	L2	L2	L2	L2	L2 **I.5**	L2 **I.5**	L2

9.5.9.2 MUNICIPAL LAND USE NOTES

I.1 The land use may only be conducted by the town.

I.3 The land use is limited to installations to provide services to a permitted use within the district or where no practical alternative exists.

I.4 Utility transport systems must be limited to existing public ways and existing service corridors whenever practical.

I.5 The land use is limited to transport infrastructure.

I.6 The land use is not allowed in R1(DCR)or R1(SL).

I.7 The land use is not allowed in R2(JB) or R2(LP).

I.8 A written ‘notice of intent to construct” must be filed with the CEO.

9.5 TABLE OF LAND USES

9.5.10 PRODUCTION LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D 1	D 2	D 3	D 4	D 5	D 6	D 7	D 8	D 9	D 10	D 11	D 12	D 13	D 14	D 15	D 16	D 17	D 18	D 19
10.1 AQUA-CULTURE	**X**	L2	**X**	**X**	**X**	L2	L2	L2	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**
10.2 AUTO-MOBILE GRAVE-YARDS §13.11.2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2 **J.1**	L2 **J.2**	**X**	**X**	**X**
10.3 AUTO-MOBILE RECYCLING FACILITIES §13.11.3	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2 **J.1**	L2 **J.2**	**X**	**X**	**X**
10.4 COM-MERCIAL FISHERIES	**X**	L2	**X**	**X**	**X**	L2	L2	L2	L2	L2	**X**	**X**	L2	**X**	**X**	**X**	**X**	**X**	**X**
10.5 HOME-BASED PRODUC-TIONS §13.11.5	L1 **J.6**	L1 **J.6**	L1	L1	**X**	**X**	**X**	**X**	L1 **J.6**	L1 **J.6**	L1	**X**	L1	L1	L1	L1	L1 **J.6**	L1 **J.6**	L1 **J.6**

9.5.10.1 PRODUCTION LAND USE NOTES

J.1 The land use is not allowed in R1(DCR), R1(SL) or R1(DC).

J.2 The land use is not allowed in R2(JB) or R2(LP).

J.6 The land use must be located in the dwelling and limited to the production of small crafts, food items, knitted or sewn items, or other similar products produced without any detrimental effect from noise.

9.5 TABLE OF LAND USES

9.5.10 PRODUCTION LAND USES (continued)

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19
10.6 JUNKYARDS §13.11.6	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2 **J.1**	L2 **J.2**	**X**	**X**	**X**
10.7 MANUFAC-TURING FACILITIES	**X**	**X**	L2 ↓	L2 **J.3**	L2 ↓	L2 ↓	L2 ↓	L2 ↓	**X**	**X**	**X**	**X**	**X**	L2 ↓	**X** ↓	**X** ↓	**X**	**X**	**X**
10.7.1 RETAIL MARIJUANA PRODUCTS MANUFAC-TURING FACILITIES	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**
10.7.2 SMALL SAWMILL FACILITIES	**X**	**X**	**X**	L2 **J.8**	L2 **J.8**	**X**	L2 **J.8**	L2 **J.8**	**X**	**X**	**X**	**X**	**X**	L2 **J.8**	L2 **J.8**	L2 **J.8**	**X**	**X**	**X**
10.8 METALLIC MINERAL MINING §13.11.8	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	**X**	**X**	**X**
10.9 MINERAL EXTRAC-TIONS §13.11.9	**X**	**X**	**X**	**X**	**X**	**X**	L2 **J.7**	L2 **J.7**	**X**	**X**	**X**	**X**	**X**	**X**	L2 **J.4 J.7**	L2 **J.5 J.7**	**X**	**X**	**X**
10.10 SALVAGE YARDS	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	L2 **J.1**	L2 **J.2**	**X**	**X**	**X**

9.5.10.2 PRODUCTION LAND USE NOTES

J.1 The land use is not allowed in R1(DCR), R1(SL) or R1(DC).

J.2 The land use is not allowed in R2(JB) or R2(LP).

J.3 The land use is only allowed on lots that front on or have access fronting on State Route 46.

J.4 Rock excavations subject to DEP approval are only allowed in R1(BC) and must be directly accessed from River Road.

J.5 Rock excavations subject to DEP approval must be directly accessed from River Road or State Route 46.

J.7 Excavations of borrow, clay, topsoil, or silt that are less than 3 acres are subject to L1 review, provided blasting is not required.

J.8 Small sawmill facilities are subject to compliance with Section 12.18 Noise.

9.5 TABLE OF LAND USES

9.5.11 PROFESSIONAL LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D 1	D 2	D 3	D 4	D 5	D 6	D 7	D 8	D 9	D 10	D 11	D 12	D 13	D 14	D 15	D 16	D 17	D 18	D 19
11.1 BUSINESS OFFICES	L2	L2	L2	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2 **K.2**	**X**	**X**	**X**	L2 **K.1**
11.2 FINANCIAL INSTITU-TIONS §13.12.2	L2	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**
11.3. HOME-BASED PROFESSIONS §13.12.3	L1 **K.3**	L1 **K.3**	L1 **K.3**	L1 **K.3**	**X**	**X**	**X**	**X**	L1 **K.3**	L1 **K.3**	L1 **K.3**	**X**	L1 **K.3**	L1 **K.3**	L1 **K.3**	L1 **K.3**	L1 **K.3**	L1 **K.3**	L1 **K.1 K.3**
11.4 TELEMAR-KETING CENTERS	L2	L2	L2	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**

9.5.11.1 PROFESSIONAL LAND USE NOTES

K.1 The land use is limited to location in the principal dwelling.

K.2 The land use is limited to location in R1(DCR).

K.3 A home-based professions business may be conducted without a land use permit when customers do not come to the business location and products are not shipped from the business location.

9.5 TABLE OF LAND USES

9.5.12 RURAL LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D 1	D 2	D 3	D 4	D 5	D 6	D 7	D 8	D 9	D 10	D 11	D 12	D 13	D 14	D 15	D 16	D 17	D 18	D 19
12.1 ABATTOIRS	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	L2	L2 **L.3**	L2	**X**	**X**	**X**
12.2 AGRI-CULTURE §13.13.2	**X** ↓	**X** ↓	**X** ↓	**X** ↓	**X**	**X**	**X**	**X**	L2 ↓	L2 ↓	**X** ↓	**X** ↓	**X** ↓	L2 ↓	L2 ↓	L2 ↓	**X** ↓	**X** ↓	**X** ↓
12.2.1 HOMESTEAD AGRICULTURE	O **L.1**	O **L.1**	O **L.1**	O **L.1**	**X**	**X**	**X**	**X**	O	O	O **L.1**	O **L.1**	O **L.1**	O	O	O	O **L.1**	O **L.1**	O **L.1**
12.2.2 ANIMAL HUSBANDRY	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	**X**	**X**	**X**	L2	L2	L2	**X**	**X**	**X**
12.2.3 MEDICAL MARIJUANA GROWING FACILITIES	**X**	**X**	**X**	**X**	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2 **L.5**	**X**	**X**	**X**	**X**	**X**
12.2.4 RETAIL MARIJUANA CULTIVATION FACILITIES	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**
12.3 KENNELS §13.13.3	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2 **L.3**	L2	**X**	**X**	**X**
12.4 TIMBER HARVESTS	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**	O **L.2**

9.5.12.1 RURAL LAND USE NOTES

L.1 The land use is limited to flower, vegetable, fruit or herb gardens and the production of products from those gardens.

L.2 All timber harvests are regulated by the Maine Forest Bureau.

L.3 The land use is not allowed in R1(DCR).

L.4 The land use is subject to compliance with Section 12.8.

L.5 The land use is limited to lots with frontage on River Road and must be located within 4 miles from the beginning of River Road.

9.5 TABLE OF LAND USES

9.5.13 SEASONAL LAND USES

DISTRICTS →	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
DISTRICT NOTES →	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19
13.1 CAMP-GROUNDS §13.14.1	**X**	**X**	**X**	L2	**X**	**X**	**X**	**X**	L2	L2	**X**	**X**	L2	L2	L2	L2	**X**	**X**	**X**
13.2 FAIR-GROUNDS	**X**	**X**	**X**	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	L2	**X**	**X**	**X**	**X**
13.3 MARINAS	**X**	L2	**X**	**X**	**X**	L2	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2	**X**	**X**	**X**	**X**	**X**
13.4 OUTDOOR FESTIVALS §13.14.4	O **M.6**	O **M.6**	O **M.6**	O **M.6**	**X**	O **M.6**	**X**	**X**	O **M.6**	O **M.6**	**X**	**X**	O **M.6**	O **M.6**	O **M.6**	O **M.6**	**X**	**X**	O **M.6**
13.5 OUTDOOR MARKETS	L2 **M.1**	L2 **M.1**	L2 **M.1**	L2 **M.1**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	L2 **M.1**	L2 **M.1**	L2 **M.1**	L2 **M.1**	**X**	**X**	L2 **M.1**
13.6 OUTDOOR VENDORS §13.14.6	O **M.6**	O **M.6**	O **M.6**	O **M.6**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	O **M.6**	O **M.6**	**X**	**X**	**X**	**X**	O **M.6**
13.7 RECRE-ATIONAL FACILITIES (OUTDOOR)	**X**	L2 **M.2**	**X**	L2	**X**	L2	**X**	**X**	L2 **M.3**	L2 **M.3**	L2 **M.3**	L2 **M.4**	**X**	L2	L2	L2	L2 **M.4**	**X**	L2 **M.5**
13.8 SEASONAL ROADSIDE SALES	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O

9.5.13.1 SEASONAL LAND USE NOTES

M.1 Permanently installed principal structures are subject to compliance with minimum land area and frontage requirements in Section 14.

M.2 The land use is limited to water-related recreation.

M.3 The land use is limited to noncommercial facilities with minimal structural development.

M.4 The land use is limited to recreational trails and similar low-impact recreational uses.

M.5 The land use is limited to noncommercial properties.

M.6 The land use is subject to licensing in accordance with the requirements of Chapter 6.

9.5 TABLE OF LAND USES

9.5.14 SITE WORK LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19
14.1 ARCHEO-LOGICAL EXCAVA-TIONS §13.15.1	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**	L2 **N.4**
14.2 BOAT LAUNCH-ING FACILITIES §13.15.2	**X**	L2	**X**	**X**	**X**	L2	L2	L2	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	**X**	**X**
14.3 DRIVE-WAYS §13.15.3	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 **N.1** ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓
14.3.1 RESI-DENTIAL DRIVE-WAYS	O	L1	O	O	O	O	O	O	L1	L1	O	L2 **N.1**	L1	O	O	O	L2	L1	O
14.4 EMER-GENCY OPERA-TIONS	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
14.5 FOREST MANAGE-MENT ACTIVITIES	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O

9.5.14.1 SITE WORK LAND USE NOTES

N.1 New driveways are prohibited, except the reviewing authority may grant a permit to construct a driveway in accordance with Section 13.15.3.6.

N.4 Archaeological excavations conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list is not subject to review.

9.5 TABLE OF LAND USES

9.5.14 SITE WORK LAND USES (continued)

DISTRICTS →	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
14.6 LAND-SCAPING/ HORTI-CULTURE §13.15.6	O	O **N.8** ↓	O	O	O	O **N.8** ↓	O	O **N.8** ↓	O **N.8** ↓	O **N.8** ↓	O	O **N.8** ↓	O **N.8** ↓	O	O	O	O **N.8** ↓	O **N.8** ↓	O
14.6.1 RETAINING WALLS	O	L1	O	O	O	L1	O	L1	L1	L1	O	L2 **N.7**	L1	O	O	O	L2	L1	O
14.7 MINERAL EXPLOR-ATIONS §13.15.7	**X**	**X**	**X**	**X**	**X**	**X**	O	O **N.3**	**X**	**X**	**X**	**X**	**X**	**X**	O	O	**X**	**X**	**X**
14.8 PARKING LOTS §13.15.8	L2	L2	L2	L2	L2	L2	L2	L2	L2 **N.7**	L2 **N.7**	L2	**X**	L2	L2	L2 **N.7**	L2 **N.7**	**X**	L2 **N.7**	L2
14.9 ROADS & SIDE-WALKS §13.15.9	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2 **N.2**	L2	L2	L2	L2	L2	L2	L2
14.10 STAIRS/ RAMPS FOR WATER ACCESS §13.15.10	O	L1 **N.9**	O	O	O	L1 **N.9**	O	L1 **N.9**	L1 **N.9**	L1 **N.9**	O	L1 **N.9**	L1 **N.9**	O	O	O	L1 **N.9**	L1 **N.9**	O

9.5.14.2 SITE WORK LAND USE NOTES

N.2 New roads are prohibited, except the reviewing authority may grant a permit to construct a road to provide access to permitted uses within the district in accordance with Section 13.15.9.4.

N.3 Mineral explorations exceeding 100 square feet of surface area are subject to Level 1 review.

N.7 The land use is only allowed as an incidental and secondary use for a principal use on the property.

N.8 The land use is subject to review as determined by the code enforcement officer if it involves more than 10 cubic yards of filling or earthmoving is conducted.

N.9 The land use is allowed only in areas of steep slopes or unstable soils and in compliance with the restrictions identified in Section 13.15.10.1.

9.5 TABLE OF LAND USES

9.5.14 SITE WORK LAND USES (continued)

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
14.11 SUBSURFACE WASTE-WATER DISPOSAL SYSTEMS §13.15.11	**X**	**X**	O **N.6**	O **N.6**	O **N.6**	O **N.6**	O **N.6**	O **N.6**	O **N.6**	O **N.6**	O **N.6**	O **N.6**	**X**	O **N.6**	O **N.6**	O **N.6**	**X**	**X**	O **N.6**
14.12 WATER WELLS §13.15.12	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
14.13 ZERO SETBACK SHORE-LINE STRUC-TURES §13.15.13	O	L2 ↓	O	O	O	L2 ↓	O	L2 ↓	L2 ↓	L2 ↓	O	L2 ↓	L2 ↓	O	O	O	L2 ↓	L2 ↓	O
14.13.1 TEMPO-RARY PIERS, DOCKS, WHARVES	O	L1	O	O	O	L1	O	L1	L1	L1	O	L1	L1	O	O	O	L1	L1	O
14.13.2 TEMPO-RARY BRIDGES	O	L1 **N.5**	O	O	O	L1 **N.5**	O	L1 **N.5**	L1 **N.5**	L1 **N.5**	O	L1 **N.5**	L1 **N.5**	O	O	O	L1 **N.5**	L1 **N.5**	O

9.5.14.3 SITE WORK LAND USE NOTES

N.5 If there is no earthwork required for the installation, the use is not subject to review.

N.6 The land use is subject to review and permitting by the Local Plumbing Inspector in accordance with the Maine Subsurface Waste Water Disposal Rules, as adopted.

9.5 TABLE OF LAND USES

9.5.15 TRADE LAND USES

DISTRICTS →	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
DISTRICT NOTES →	D 1	D 2	D 3	D 4	D 5	D 6	D 7	D 8	D 9	D 10	D 11	D 12	D 13	D 14	D 15	D 16	D 17	D 18	D 19
15.1 HOME-BASED TRADES §13.16.1	L1 **O.3**	L1 **O.3**	L1 **O.3**	L1	**X**	**X**	**X**	**X**	L1 **O.3**	L1 **O.3**	L1 **O.3**	**X**	L1 **O.3**	L1	L1	L1	L1 **O.3**	L1 **O.3**	L1 **O.1 O.3**
15.2 OFF-SITE SERVICES	L2	L2	L2	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2	L2	**X**	**X**	L2
15.3 ON-SITE SERVICES	L2 ↓	L2 ↓	L2	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2	L2	**X**	**X**	**X**
15.3.1 BOTTLE RECYCLING FACILITIES	**X**	**X**	L2	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2	L2	**X**	**X**	**X**
15.3.2 MOTOR-CYCLE SERVICE GARAGES	**X**	**X**	L2	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2	L2	**X**	**X**	**X**
15.3.3 SMALL ENGINE SERVICE GARAGES	**X**	**X**	L2	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2	L2	**X**	**X**	**X**
15.3.4 STORAGE/ SELF-STORAGE FACILITIES	**X**	**X**	L2	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2	L2	**X**	**X**	**X**
15.3.5 WELDING SERVICES	**X**	**X**	L2	L2	L2	**X**	L2	L2	**X**	**X**	**X**	**X**	L2	L2	L2	L2	**X**	**X**	**X**

O.1 The land use is limited to location in the principal dwelling.
O.3 The land use may not include small engine repairs or automobile repairs.

9.5 TABLE OF LAND USES

9.5.15 TRADE LAND USES (continued)

DISTRICTS →	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
DISTRICT NOTES →	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11	D12	D13	D14	D15	D16	D17	D18	D19
15.4 PERSONAL CARE SERVICES	L2	L2	L2	L2	X	X	X	X	X	X	X	X	L2	L2	L2	L2	X	X	L2
15.5 RETAIL MARIJUANA TESTING FACILITIES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
15.6 VEHICLE SERVICES-CLASS 1 §13.16.5	X	X	L2	L2	X	X	X	X	X	X	X	X	X	L2	X	X	X	X	X
15.6 VEHICLE SERVICES-CLASS 2 §13.16.6	X	X	L2	L2 **O.2**	X	X	L2	X	X	X	X	X	X	L2	X	X	X	X	X

9.5.15.2 TRADE LAND USE NOTES

O.2 The land use is limited to lots that front on or have access fronting on State Route 46.

9.5.16 DISTRICT NOTES

D-1 The DT District is suitable for a variety of businesses, residential uses, public uses and places of worship.

D-2 The DTS District is suitable for a variety of businesses, public, historical, recreational, maritime and fishery uses, as well as limited residential uses.

D-3 The C1 District is suitable for businesses and residential uses.

D-4 The C2 District is suitable for businesses and limited residential uses.

D-5 The C3 District is suitable for trade, manufacturing and other business uses commonly found in a commercial business park. Land uses in the business park are subject to compliance with town-established covenants.

D-6 The CFMA District is suitable for the development of commercial and recreational uses fronting on Penobscot River. Land uses in this district must be functionally water-dependent uses or accessory uses related to functionally water-dependent uses.

D-7 The ID District is suitable for large-scale industrial uses and smaller commercial uses that are appropriate for an industrial setting.

D-8 The IDO District is suitable for industrial uses as allowed in the ID District.

D-9 The LRO District is suitable for low-density residential uses, some low-impact commercial and noncommercial uses, and recreational uses.

D-10. The LRPO District is suitable for low-density residential uses, some low-impact commercial and noncommercial uses, and recreational uses. Residential uses in this area existed prior to the adoption of State-mandated shoreland regulations and were originally placed in the Resource Protection

District.

D-11 The RG District is suitable for development of residential uses and other uses appropriate for a residential neighborhood environment.

D-12 The RPO District is suitable for the protection of water bodies, wetlands and wildlife, and scenic, historic and natural resources in the area, and the limited development of residential and recreational uses. Residential uses are allowed, subject to compliance with Section 17.5.

D-13 The RT1S District is suitable for residential uses, limited commercial uses and noncommercial uses. All new buildings to be occupied for a commercial or noncommercial use in this district must have a residential architectural style.

D-14 The RT15RC District is suitable for residential uses, limited commercial uses, and agricultural and forestry uses.

D-15 The R1 District is suitable for agricultural, forestry, recreational and public uses, as well as residential uses and limited commercial uses. The area is within a range of approximately 4 miles from the center of town, except for areas located in R1(DCR).

D-16 The R2 District is suitable for agricultural, forestry, recreational and public uses, as well as residential uses and limited commercial uses that will not adversely impact the town's ability to provide an adequate level of municipal services. The area is outside a range of approximately 4 miles from the center of town. Any commercial land use or subdivision located in this district must front on or be provided with an entrance on a public road in Bucksport or on a private road that is directly accessed by a public road in Bucksport.

D-17 The SPO District is suitable for low-density residential uses, some low-impact commercial and noncommercial uses, and recreational uses. No structure may be permitted in this district unless a setback variance has been obtained from the board of appeals, as applicable.

D-18 The TBO District is suitable for residential uses, some low-impact commercial and noncommercial uses, and recreational uses. No structure may be permitted in the portion of this district requiring a 75 foot setback, unless a setback variance has been obtained from the board of appeals, as applicable.

D-19 The VIL District is suitable for residential uses, public uses, places of worship, and some small businesses that are appropriate for a residential neighborhood environment.

SECTION 10 LAND USE CHANGES: REVIEW CLASSIFICATION

10.1 Changes to any land use are classified in this section as either exempt from review, or subject to Level 1 or Level 2 review. The review exemption and two review classifications are deemed appropriate and necessary to support the purposes of this ordinance. Any change that may be prohibited for a specific land use is identified in the footnotes contained in Section 9.5 Table of Land Uses.

10.2 Changes that are exempt from review pose a negligible risk of detrimental effects. Such changes are subject to compliance with the applicable standards in Sections 12, 13 and 14, but no permits or approvals are required by this ordinance before these changes may be conducted.

10.3 Changes subject to Level 1 review pose a minor risk of detrimental effects. An application review conducted by the code enforcement officer is sufficient to ensure that any detrimental effects from these land uses will be effectively mitigated. The review procedures are described in Section 11.2.

10.4 Changes subject to Level 2 review pose a greater risk of detrimental effects than uses subject to Level 1 review. An application review conducted by the planning board is necessary to ensure that any detrimental effects from these land uses will be effectively mitigated. The review procedures are described in Section 11.4.

10.5 The code enforcement officer shall identify the review classification for changes to existing land uses, except as otherwise provided for in this section. The appropriate review classification is based on the features and functions of the changes and the extent to which they must be examined to ensure that any detrimental effects are effectively mitigated.

10.6 Detrimental effects that may be considered in the identification of a review classification include, but are not limited to, the following:

1) traffic hazards
2) pedestrian hazards
3) parking shortages
4) burdens on municipal services
5) damages to natural resources
6) disturbances to wildlife habitat
7) flooding or soil erosion
8) obstructions of scenic views
9) obstructions of solar gain
10) inadequate buffers or screening
11) noise disturbances
12) vibration disturbances
13) electromagnetic field disturbances
14) lighting disturbances
15) smoke or dust disturbances
16) odor disturbances
17) contamination of air, water or soil
18) development pattern conflicts
19) adverse impacts to archeological or historical sites
20) adverse impacts to coastal environments
21) damages to or loss of agricultural or forest lands

10.7 Any change to an existing property that involves any combination of activities described in Sections

10.8 through 10.12 is subject to the highest level of review that is applicable.

10.8 **STRUCTURES, LAND USES: EXPANSION**

STRUCTURES

10.8.1 Any expansion of a structure is subject to review as determined in accordance with the requirements of Section 10.5.

10.8.2 Any expansion of a structure for the purpose of adding three or more dwelling units is subject to Level 2 review

10.8.3 Any expansion of a structure in the RPO District is subject to Level 2 review.

10.8.4 Any expansion of a nonconforming structure is subject to compliance with the applicable provisions in Section 16.3.

LAND USES

10.8.6 Any expansion of a land use is subject to review as determined in accordance with the requirements of Section 10.5.

10.8.7 Any expansion of a land use that adds three or more dwelling units in a five-year period is subject to Level 2 review.

10.8.8 Any expansion of a land use in the RPO District is subject to Level 2 review.

10.8.9 Any expansion of a nonconforming land use is subject to compliance with the applicable provisions in Section 16.4.

10.9 **STRUCTURES: REHABILITATION, RENOVATION**

10.9.1 Any minor or major rehabilitation of a structure is subject to review as determined in accordance with the requirements of Section 10.5.

10.9.2 Any rehabilitation of a structure in the RPO District is subject to Level 2 review.

10.9.3 Any rehabilitation of a road, driveway or parking lot is not subject to review.

10.9.4 Any rehabilitation of a nonconforming structure is subject to compliance with the applicable provisions in Section 16.3.

10.9.5 Any renovation of a structure is subject to Level 1 review.

10.10 **STRUCTURES, LAND USES: RELOCATION**

10.10.1 Any relocation of a structure is subject to review as determined in accordance with the requirements of Section 10.5.

10.10.2 Any relocation of a structure in the RPO District is subject to Level 2 review.

10.10.3 Any relocation of a residential storage shed or similar structure is not subject to review unless the structure is relocated in any shoreland district.

10.10.4 Any relocation of a land use is subject to review as determined in accordance with the requirements of Section 10.5.

10.10.5 Any relocation of a nonconforming structure is subject to review as determined in accordance with the requirements of Section 10.5.

10.10.6 Any relocation of a nonconforming use is subject to Level 2 review.

10.11 **LAND USES: REESTABLISHMENT**

10.11.1 The reestablishment of any conforming land use is subject to the following review requirements:

1) Any commercial or noncommercial occupancy discontinued for less than one year may be reestablished without review.
2) Any commercial or noncommercial occupancy discontinued for one year but less than 2 years is subject to Level 1 review.
3) Any commercial or noncommercial occupancy discontinued for 2 years or more is subject to the review requirements for the establishment of the land use, as identified in Section 9.5.
4) Any one-family, one & 1/2- family or two-family occupancy may be reestablished without consideration of any time limits and without review, except the reestablishment is subject to Level 1 review if the residential features of the building have been removed. Residential features include a kitchen, full bathroom and at least one bedroom in each dwelling unit.
5) Any multi-family occupancy discontinued for 2 years or less may be reestablished without review, provided the residential features of the building have not been removed.
6) Any multi-family occupancy discontinued for more than 2 years or for any length of time when the residential features of the building have been removed, is subject to Level 1 review.

10.11.2 The reestablishment of any nonconforming use is subject to compliance with the applicable provisions in Section 16.4.

10.12 **STRUCTURES, PROPERTY: CHANGE OF USE**

10.12.1 Any change of use or occupancy of a structure or property is subject to review as determined in accordance with the requirements of Section 10.5.

10.12.2 A change of a nonconforming use to another nonconforming use is subject to Level 2 review. Proposed changes in any shoreland district are subject to compliance with the requirements of Section 16.4.3.1.

10.12.3 A change of use is not subject to review if a new land use replaces a land use with the same land use classification, unless the code enforcement officer has determined that any changes to the form or function of the land use require a review in order to support the purposes of this ordinance.

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SECTION 11 APPLICATION REVIEW

11.1 All land uses subject to review must be reviewed in accordance with the procedures described in Section 11.2 or 11.4, as applicable.

11.1.1 Level 1 Review applications must contain, at a minimum, the submissions listed in Section 11.3, except as may be waived by the code enforcement officer.

11.1.2 Level 2 Review applications must contain, at a minimum, the submissions listed in Section 11.5, except as may be waived by the planning board.

11.1.3 In all instances during an application review, the burden of proof of compliance with applicable requirements of this ordinance is the responsibility of the applicant.

LEVEL 1 REVIEW PROCEDURES

11.2 The procedures for Level 1 review and the order in which they are conducted are identified as follows:

1. PRE-APPLICATION MEETING
2. PRELIMINARY REVIEW
3. STANDARDS REVIEW
4. FINDINGS AND DECISION

11.2.1 PRE-APPLICATION MEETING

1) Purpose: To exchange information between the CEO and a pre-applicant concerning a proposed project and the application review process.
2) Timing: The CEO may conduct a pre-application meeting upon initial contact by a pre-applicant or a meeting may be scheduled. A pre-application meeting is optional.
3) Procedure: The CEO shall determine the appropriate procedures for a pre-application meeting to meet the needs of each pre-applicant.

11.2.2 PRELIMINARY REVIEW

1) Purpose: To identify compliance with minimum application content requirements.
2) Timing: The review must commence within one week of receipt of an application by the CEO.
3) Procedure: A preliminary review must proceed as follows:
   a) The CEO shall review the application and give written notice to the applicant of any identified omissions of required content. The CEO may waive omissions in accordance with the requirements of Section 17.

11.2.3 STANDARDS REVIEW

1) Purpose: To evaluate an application for compliance with applicable land use standards.
2) Timing: The standards review must commence upon determination that all required information has been submitted or upon determination that the review may be adequately conducted prior to the submission of omitted information.
3) Procedure: A standards review must proceed as follows:
   a) The CEO shall review the application for compliance with applicable Sections 12, 13 and 14 land use standards.
   b) The CEO may conduct inspections of the proposed project location if necessary to verify or

clarify application information.

c) The CEO may request additional information to verify or clarify compliance with a land use standard, if necessary. In the event additional information requested by the CEO is not submitted within 30 days from the date of request or within any other mutually agreeable time period, the review must be based on the information as submitted.

d) The standards review is concluded upon a determination by the CEO that all applicable Sections 12, 13 and 14 land use standards have been reviewed.

11.2.4 FINDINGS AND DECISION

1) Purpose: To evaluate an application for compliance with applicable Section 15 Performance Criteria and to approve or deny the application.
2) Timing: The findings must commence upon conclusion of the standards review.
3) Procedure: A findings and decision must proceed as follows:
   a) The CEO shall make a positive finding of the performance criteria in Section 15 upon determining that the requirements of corresponding Sections 12, 13 and 14 land use standards have been met. A finding must be made for each criterion that is applicable to the application.
   b) An application for which a positive finding has been made for all applicable Section 15 performance criteria is deemed approved. An application for which a positive finding has not been made for any applicable Section 15 performance criteria is deemed denied. In making findings, the CEO may include any reasonable condition of approval that is relevant to compliance with the requirements of this ordinance. The CEO shall provide detailed written findings to the applicant if an application is denied or the approval of the application is the subject of an appeal.

11.2.5 A Level 1 application review must be completed as soon as practicable, but in no case more than 35 days after receipt of the application unless additional information has been requested, in which case the review completion time may be extended by the number of days allowed for the information to be submitted.

11.2.6 Any application for which a review can not be completed for lack of minimum application content or fees must be dismissed without prejudice.

11.2.7 No application may be approved if it involves a structure that would be located on an unapproved subdivision lot or that would violate any other local ordinance, or regulation or statute administered by the municipality.

11.2.8 All application forms utilized for Level 1 Review may be updated or reformatted by the CEO as necessary.

LEVEL 1 REVIEW APPLICATION CONTENT

11.3 A Level 1 review application must include, at a minimum, a standard application form, which includes space for a hand-drawn site plan. A separate site plan may be included, if necessary. The site plan must comply with the format and information requirements described in this section, as applicable.

11.3.1 If the applicant is not the property owner, then written authorization from the property owner to develop or occupy the property with the proposed land use must be submitted with the application. The application must be signed and dated by the applicant.

11.3.2 Site plans must comply with the following basic format:

1) The plan must be prepared with black ink on white paper.
2) A scaled plan is not required, but if drawn to scale, one inch may equal not more than 100 feet.
3) Paper size may be no larger than 24” x 36”.

11.3.3 Site plans must include the following basic dimensional information:

1) Dimensions of proposed structures (length, width & height if applicable).
2) Setback dimensions of buildings and other structures.

11.3.4 Site plans must show the following natural features of the property:
1) Water bodies, including ponds, rivers, streams, tributary streams and wetlands, if any.
2) The location of any other natural features or unique site elements.

11.3.5 Site plans must include identification of the following development features of the property:
1) Location of proposed and existing structures
2) Location of public sewer and water services.
3) Location of septic systems.
4) Location of wells.
5) Location of driveways.
6) Location of easements and rights-of-way.

11.3.6 If the proposed land use requires a subsurface wastewater disposal system, a system design prepared by a qualified professional must be submitted with the application.

LEVEL 2 REVIEW PROCEDURES **[AMENDED 5-13-10. EFFECTIVE 6-12-10]**

11.4 The procedures for Level 2 review and the order in which they are conducted are identified as follows:
1. PRE-APPLICATION MEETING
2. PRELIMINARY REVIEW
3. DEPARTMENT REVIEW
4. PUBLIC NOTIFICATION
5. APPLICATION PRESENTATION
6. PUBLIC COMMENT PERIOD
7. STANDARDS REVIEW
8. FINDINGS AND DECISION

11.4.1 PRE-APPLICATION MEETING
1) Purpose: To exchange information between the CEO and a pre-applicant concerning a proposed project and the application review process.
2) Timing: The CEO may conduct a pre-application meeting upon initial contact by a pre-applicant or a meeting may be scheduled. A pre-application meeting with the planning board may also be scheduled upon request. A pre-application meeting is optional.
3) Procedure: The CEO and planning board shall establish the appropriate procedures for their respective pre-application meetings to meet the needs of each pre-applicant.

11.4.2 PRELIMINARY REVIEW
1) Purpose: To identify compliance with minimum application content requirements.
2) Timing: The review must commence within one week of receipt of an application by the CEO.
3) Procedure: Preliminary reviews must proceed as follows:
   a) The CEO shall review the application and provide written notification to the applicant of any identified omissions. The applicant may request a waiver of identified omissions. The request must be in writing and submitted to the CEO, who shall submit the request to the planning board during the application presentation.

11.4.3 DEPARTMENT REVIEW

1) Purpose: To identify any impacts a proposed land use may have on municipal services.
2) Timing: The review must commence upon submission of an application by the CEO to the town manager.
3) Procedure: A department review must proceed as follows:
   a) The CEO shall submit copies of the application to the town manager for distribution to department directors whose department services may be impacted by the proposed development. Written comments must also be requested from the town's public water supplier, if the proposed development requires public water service.
   b) The town manager shall forward all written comments from the department directors to the CEO, who shall submit them to the planning board during the application presentation.

11.4.4 PUBLIC NOTIFICATION

1) Purpose: To give written notice of a proposed land use to owners of property within close proximity to the development site.
2) Timing: The notice to property owners must be sent at least one week before the date when the application will be presented to the planning board.
3) Procedure: Public notification must proceed as follows:
   a) The CEO shall send a notice describing the proposed land use, its location and the applicant's name via US First Class Mail to all owners of property within 100 feet of the boundaries of the property to be developed. The notice must also include the date, time and location of the meeting at which the application will be submitted to the planning board. A copy of the notice must be provided to the applicant.

11.4.5 APPLICATION PRESENTATION

1) Purpose: To provide the planning board and public in attendance with a general description of a proposed land use development.
2) Timing: The application presentation must take place at the first available planning board meeting after conclusion of the preliminary review and department review.
3) Procedure: An application presentation must proceed as follows:
   a) The CEO shall conduct an oral presentation to describe the proposed project. The presentation may include visual aids such as photographs and drawings. The CEO shall also provide the board with any waiver requests submitted by the applicant.
   b) Upon conclusion of the CEO's presentation, the applicant may conduct a presentation.
   c) The board may consider any waiver request upon conclusion of all presentations. A decision to grant a waiver may be postponed until applicable land use standards have been reviewed at the appropriate time. All waiver request decisions must be made in accordance with the requirements in Section 17.

11.4.6 PUBLIC COMMENT PERIOD **[AMENDED 5-13-10. EFFECTIVE 6-12-10]**

1) Purpose: To provide the public an opportunity to comment on or ask questions about a proposed land use.
2) Timing: A public comment period must be allowed during the first review of an application.
3) Procedure: A public comment period must proceed as follows:
   a) Upon conclusion of the application presentation, the chairman shall open a public comment period and allow comments and questions from the public. A public comment period is not intended to be a venue for discussion between parties, but the chairman may allow the

applicant to respond to comments or questions at the time they are submitted, if appropriate. The chairman shall regulate the proceeding to ensure an efficient use of time.

b) Comments and questions submitted during the public comment period shall be addressed by the board at the appropriate point during their review of the application, as determined by the chairman.

c) The chairman shall set a reasonable time to conclude the public comment period so as to allow the conduct of other business of the board. If the time allotted for a public comment period is insufficient to allow for all public input, the chairman may allow additional time or continue the proceeding at the next available meeting. A standards review for an application may not commence until the public comment period for that application has concluded.

11.4.7 STANDARDS REVIEW

1) Purpose: To determine if a proposed land development complies with applicable land use standards.
2) Timing: The standards review must commence upon conclusion of the public comment period or at the first available planning board meeting thereafter. Commencement of the review is considered the initiation of a substantive review process for the purposes of bringing the application under the protection of Title 1 M.R.S.A. §302.
3) Procedure: A standards review must proceed as follows:
   a) The planning board shall review the application for compliance with applicable land use standards. The board may request the applicant to provide additional information if it is needed to clarify or verify compliance. Any cost incurred to provide the information is the responsibility of the applicant. In the event the requested information is not submitted within 30 days from the date of the request or upon any other mutually agreeable time period, the review must be based on the information as submitted.
   b) The planning board shall issue a determination regarding any request for a waiver of required information that has not been previously addressed. The determination must be made in accordance with the requirements in Section 17. If a waiver request is denied, the board shall determine if the standards review may continue prior to the submission of required information.
   c) The planning board may require a site visit if necessary to assist in their standards review. Notice of the site visit must be provided to the public in accordance with Title 1 M.R.S.A. §406. Payment for site visit costs must be made in accordance with the requirements of Section 11.6.4.
   d) At any time during the standards review, the planning board may conduct a public hearing if necessary to ensure that sufficient opportunity is provided for public comments. An affirmative vote from at least 4 board members is required before a public hearing may be scheduled.
   e) The standards review is deemed concluded upon a determination that all applicable Sections 12, 13 and 14 land use standards have been reviewed. The board's standards review must be documented in writing.

11.4.8 FINDINGS AND DECISION

1) Purpose: To evaluate an application for compliance with applicable Section 15 performance criteria and to approve or deny the application.
2) Timing: The findings must commence upon conclusion of the standards review or at the first

available planning board meeting thereafter.

3) Procedure: A findings and decision must proceed as follows:
   a) The planning board shall make a positive finding of performance criteria upon determining that the requirements of corresponding Sections 12, 13 and 14 land use standards have been met. A written finding must be made for each criterion identified in Section 15. Any performance criterion or portion thereof that does not apply must be noted as "not applicable" in the findings, with a written explanation of that determination.
   b) An application for which a positive finding has been made for all applicable Section 15 performance criteria is deemed approved by the planning board. An application for which a positive finding has not been made for any applicable Section 15 performance criteria is deemed denied by the planning board. In making findings, the planning board may include any reasonable condition of approval that is relevant to compliance with the requirements of this ordinance. The written findings and decision must be given to the applicant if the application is denied or if the approval of the application is the subject of an appeal.

11.4.9 The planning board may require the services of any qualified consultant deemed necessary to assist in the evaluation of application submissions. Qualified consultants may include any State of Maine registered or licensed professional or any other person acceptable to the board. Payment of fees for these services must be made in accordance with the requirements of Section 11.6.5.

11.4.10 The planning board may require stenography, audio or video recording of any application review. Payment of fees for these services must be made in accordance with the requirements of Section 11.6.6.

11.4.11 A Level 2 application review must be completed as soon as practicable, but in no case more than 35 days after the completion of the standards review.

11.4.12 Any application for which a review cannot be completed for lack of minimum application content or required fees must be dismissed without prejudice.

11.4.13 No application may be approved if it involves a structure that would be located on an unapproved subdivision lot or that would violate any other local ordinance, or regulation or statute administered by the municipality.

11.4.14 All application forms utilized for Level 2 review may be updated or redesigned by the planning board as necessary.

LEVEL 2 REVIEW APPLICATION CONTENT

11.5 Level 2 review application must include, at a minimum, a standard application form and a site plan. The site plan must comply with the format and information requirements described in this section, as applicable.

11.5.1 The applicant must provide evidence of right, title or interest in the property to be developed. If the applicant is not the property owner, then written authorization from the property owner to develop or occupy the property with the proposed land use must be submitted with the application. The application must be signed and dated by the applicant.

11.5.2 <u>Site plans must comply with the following basic format:</u>

1) Black ink on white paper at a scale of one inch equals not more than 100 feet. 10 copies must be provided.
2) Paper size no larger than 24" x 36", with a margin of at least one inch, and two inches on the left side for binding purposes.

11.5.3 <u>Site plans must include the following basic identifying information:</u>

1) The project name, the name of the municipality, name and address of the record owner of the property being developed and the name and address of the project developer.

2) Districts affecting the lot to be developed and contiguous lots.
3) Name, address, license number, seal and signature of the surveyor providing surveying data.
4) Name, address, license number, seal and signature of the engineer providing engineering data, if any.
5) Tax map and lot identification of the property.
6) A location map based on a U.S.G.S. topographic map.
7) A north point arrow and a graphic scale.

11.5.4 Site plans must include the following basic dimensional information:

1) Size, in acres, of the property.
2) Bearings and lengths of the boundary lines of the property to be developed, as identified by a standard boundary survey.
3) Width of street frontage and shoreline frontage.
4) Footprint and height dimensions of buildings and other structures.
5) Setback dimensions of buildings and other structures.
6) Percent of lot coverage by structures and non-vegetated surfaces in any shoreland district.

11.5.5 Site plans must include identification of the following natural features of the property to be developed, as may be applicable:

1) Topography, shown as contour lines at intervals not to exceed 20 feet.
2) Cleared or natural openings in the vegetation, including timber harvests.
3) Water bodies, including ponds, rivers, streams, tributary streams and wetlands.
4) The location of essential habitat for rare, threatened and endangered plants and animals.
5) Approximate locations of ledge outcroppings.
6) Surface water drainage flow patterns.
7) The location of significant sand and gravel aquifers.
8) The location of any other natural features or unique site elements.

11.5.6 Site plans must include the following site development information, as may be applicable:

1) The location of proposed and existing structures.
2) The location and size of sewer and water utilities, including manholes and hydrants.
3) The location of power, telephone and cable utilities including the location of utility poles for above-ground service.
4) The location of proposed utility service connections.
5) The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.
6) The location of street lamps.
7) The location of subsurface wastewater disposal system soil test pits.
8) The location and dimensions of culverts, ditches, catch basins and curbing.
9) The location and right-of-way width of any street providing direct access to the property to be developed.
10) The location, dimensions and purpose of any existing or proposed easement.
11) The location of parking areas.
12) The location of any pedestrian ways, open spaces, parks and other areas to be reserved for or dedicated to public use and/or ownership.
13) A planting plan and schedule keyed to the site plan indicating the general species and sizes of trees, shrubs, and other plants to be planted on the site.

11.5.7 If the proposed land use requires a subsurface wastewater disposal system, a system design prepared by a qualified professional must be submitted with the application.

11.5.8 The reviewing authority may require additional documentation to supplement the basic application

content requirements in this section. See Section 12 for further information.

FEES

11.6 Any application for a land use permit must include a review fee, which is identified in the town's Schedule of Fees, as adopted by the Bucksport Town Council.

11.6.1 The review fee is intended to cover the town's administrative costs of an application review, including, but not limited to, photocopies, published notices, mailings, consultants, special meetings and legal assistance.

11.6.2 Any portion of a review fee remaining after completion of a review shall be applied to additional town permit fees required for the approved project.

11.7 ISSUANCE OF PERMIT

11.7.1 The code enforcement officer shall issue a land use permit for an approved application no later than 10 days after the date of approval provided that any other prerequisite permits or approvals have been obtained. The permit authorizes the commencement of any land use approved by the reviewing authority, except as otherwise provided for in section 11.7.5. A land use permit may also authorize the construction or installation of any structure that is part of the permitted land use, in lieu of a separate building permit that would otherwise be required in accordance with Chapter 5, provided that the applicable permit fees required by Chapter 5 have been submitted, and that a sufficient description of the structure has been submitted.

11.7.2 A land use permit is in effect for two years from the date of issue, except as provided for in sections 11.7.2.1, 11.7.2.2, 11.7.2.3 and 11.7.2.4.

11.7.2.1 The code enforcement officer may increase the effective period of a permit to 3 years, upon written request by the permittee. The request must be submitted to the town office no less than one week prior to the permit expiration date. A $25.00 administrative fee must be included with the request. Before the effective period of the permit may be increased, the permittee must demonstrate that a substantial start of the permitted land use has been achieved.

11.7.2.2 The planning board may increase the effective period of a land use permit to a period not to exceed 5 years, when considering approval of an application subject to Level 2 review. The effective period may only be increased if the board finds that improvements which are required for the land use cannot be substantially completed within 2 years due to:

1) the timelines of other required regulatory approvals needed before construction can begin,
2) the scale or complexity of the project, or
3) the planned phased development approved by the board.

11.7.2.3 The planning board may amend a land use permit approved by the board to increase the effective period of the permit in accordance with section 11.7.2.2, provided that the increased effective period starts from the original date of approval. A written request from the permittee must be submitted to the town office no less than one week prior to the permit expiration date. A $25.00 administrative fee must be included with the request.

11.7.2.4 A written request submitted in accordance with the requirements of section 11.7.2.1 or 11.7.2.3 will result in a temporary extension of the permit expiration date, if necessary, until such time a decision is made on the request.

11.7.2.5 A permitted land use that is granted a permit expiration date extension in accordance with sections 11.7.2.1 or 11.7.2.3 may not be subject to any condition of approval requiring the land use to comply with any new or revised land use standard that became effective after the date the land use was originally approved.

11.7.2.6 The authority to conduct a land use will remain in effect after the permit expiration date, provided

that substantial completion has been achieved prior to that date, and provided that the land use is conducted in accordance with all applicable laws, rules and regulations.

11.7.3 A land use permit becomes invalid on its expiration date if a substantial start was not achieved prior to the original permit expiration date, or substantial completion was not achieved before the permit expiration date set in accordance with the provisions of section 11.7.2.

11.7.3.1 No work may be conducted after a land use permit becomes invalid until a new permit is issued by the reviewing authority. The extent of review must be determined by the reviewing authority, and must be based on the extent to which the permitted land use had been completed prior to the permit expiration. The land use may be subject to compliance with any revised or added land use standards that are applicable.

11.7.4 A permit issued for any land use in a shoreland district must be kept on site while the work authorized by the permit is performed.

11.7.5 The issuance of a land use permit does not authorize the applicant to commence any activity or use that requires other permits or approvals from local, State or Federal agencies, offices or departments before such permits or approvals have been obtained.

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SECTION 12 GENERAL LAND USE STANDARDS

12.1 All land uses identified in Section 8 are subject to compliance with the standards set forth in this section, as applicable.

12.1.1 Before any land use application may be approved, the reviewing authority must determine that the application submissions document compliance with applicable standards. In addition to the application submissions required in accordance with Section 11.3 or 11.5, the reviewing authority may require secondary documentation in accordance with the provisions for each applicable standard.

ENVIRONMENT STANDARDS

12.2 SOILS

OBJECTIVE: To ensure that soils are suitable for development or use.

12.2.1 No structure may be constructed, installed, expanded or maintained nor may any use be established, maintained or expanded on or in soils that are unstable, subject to severe erosion or otherwise deemed unsuitable for the structure or use.

12.2.2 No land use may be conducted in any manner that causes severe soil erosion or mass soil movement either before or after construction.

12.2.3 The reviewing authority may require secondary documentation to verify the suitability of soils for a proposed land development if the scale of the development or its location warrants a closer examination to address concerns of the potential for severe erosion, mass soil movement or other limitations.

12.2.4 The reviewing authority shall require secondary documentation for any proposed subsurface wastewater disposal system or any commercial or noncommercial land use that is subject to Level 2 review and that is located in a shoreland district.

12.2.5 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A soils report prepared by a qualified professional.

12.3 STORMWATER

OBJECTIVE: To ensure that stormwater runoff from the development or use of land is minimized to the greatest practical extent and adequately managed to reduce the risk of detrimental effects.

12.3.1 No land use may increase or alter stormwater flows without first implementing appropriate stormwater management controls to prevent environmental damage, flooding and property damage or the overburdening of existing stormwater management systems or features. No grading or other construction activity may alter existing natural drainage to the extent that drainage will adversely affect adjacent property or that drainage ways flowing from adjacent parcels of land to the development site will be impeded.

12.3.2 Stormwater must be detained on the site using existing natural runoff control features of the site to the greatest extent possible. Natural runoff control features include, but are not limited to, earth berms, swales, terraces and wooded areas.

12.3.3 The design of stormwater storage facilities must address safety, appearance, recreational use and the

cost and effectiveness of maintenance operations, in addition to the primary storage function.

12.3.4 All stormwater facilities must be properly maintained. Stormwater management plans must define maintenance requirements and identify parties responsible for the required maintenance.

12.3.5 Natural overland flows, open drainage channels and swales are the preferred components of a residential private stormwater drainage system. The use of enclosed components (such as underground piping) for these systems should be minimized where the existing natural systems are able to accommodate stormwater runoff. Energy dissipaters (to reduce high flow velocities) or other forms of outfall protection must be employed where enclosed drains discharge onto unstable soils.

12.3.6 Natural and man-made drainage ways and drainage outlets must be stabilized with vegetation or riprap to prevent erosion from water flowing through them.

12.3.7 Easements must be provided to the municipality where appropriate to ensure proper maintenance of drainage ways. Easement widths must be sufficient to allow access for maintenance and repairs to the drainage way or any structures therein, and in no case may the width be less than 30 feet wide.

12.3.8 Secondary documentation must be submitted to the reviewing authority for any land use subject to State permitting in accordance with 38 M.R.S.A. § 420-D (the Storm Water Management Law), 38 M.R.S.A. §481 (the Site Location of Development Law) or any commercial or noncommercial land use subject to Level 2 review that is within the watershed of a great pond at risk from development, as identified by the Maine Department of Environmental Protection.

12.3.9 The reviewing authority may require secondary documentation for any land use proposing to utilize public stormwater control facilities in the event there is concern about the adequacy of those facilities to handle additional stormwater flows.

12.3.10 Secondary documentation required by the reviewing authority may include, but is not limited to:

1) A stormwater management plan prepared by a qualified professional in accordance with the applicable requirements of the *Maine Stormwater Management Design Manual*, most recent edition adopted by the Maine Department of Environmental Protection.

12.4 SOIL EROSION AND SEDIMENTATION

OBJECTIVE: To ensure that exposed soils are adequately protected from unreasonable erosion and sedimentation.

12.4.1 All activities involving filling, grading, excavation, or other similar soil disturbance activities must be conducted so as to prevent soil erosion and to prevent soil sediments from entering water bodies, tributary streams, wetlands or adjacent properties.

12.4.2 All erosion and sedimentation control measures must be in conformance with or equivalent to the best management practices identified in the *Maine Erosion and Sedimentation Control Best Management Practices*, *Maine DEP, March 2003* or as amended (BMP Manual). Any excavation contractor that disturbs or displaces more than one cubic yard of soil within any shoreland district is subject to compliance with 38 M.R.S.A. § 439-B.

12.4.2.1 Vegetation may be removed in excess of the clearing standards in Section 12.8 of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the reviewing authority. Construction equipment must access the shoreline by barge when feasible as determined by the reviewing authority.

12.4.2.2 When the removal of trees and other vegetation is necessary to allow for construction equipment access to a stabilization site via land, the access way must be limited to no more than 12 feet in width. When the stabilization project is complete, the construction equipment access way must be restored. Revegetation must comply with the applicable requirements in Appendix K, Addendum 3, Section 3.

12.4.3 In order to create the least potential for erosion, land uses must be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required must be avoided wherever possible and natural contours must be followed as closely as possible.

12.4.4 Erosion and sedimentation control measures must be in operation during all stages of any soil disturbance activity. The amount of exposed soil at every phase of the activity must be minimized to reduce the potential for erosion.

12.4.5 Any exposed ground area must be temporarily or permanently stabilized within one week from the time it was last actively worked by use of riprap, sod, seed and mulch or other effective measures in accordance with the BMP Manual. Permanent stabilization must occur within 9 months of the initial date of exposure.

12.4.6 The reviewing authority may require secondary documentation for any land use that involves soil disturbance in a shoreland district or any land use subject to Level 2 review that involves soil disturbance in any district, if it is determined in either case that the risks of environmental harm warrant detailed professionally prepared erosion and sedimentation control measures.

12.4.7 Soil disturbance of less than 10 cubic yards in the RPO, SPO or TBO District, when such activity is not part of a permitted project, may not be conducted until required erosion and sedimentation control documentation outlined in the BMP Manual has been submitted to and approved by the code enforcement officer.

12.4.8 Soil disturbance involving 10 cubic yards or more in any shoreland district, when such activity is not part of a permitted project, may not be conducted until required erosion and sedimentation control documentation outlined in the BMP Manual has been submitted to and approved by the code enforcement officer.

12.4.9 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A detailed erosion and sedimentation control plan prepared by a qualified professional.

12.5 SURFACE & SUBSURFACE WATERS

OBJECTIVE: To ensure that surface and subsurface waters are adequately protected from pollution.

12.5.1 No person may discharge or allow the discharge of into surface or subsurface waters, any liquid, gaseous or solid materials of such nature, quantity, toxicity or temperature that may contaminate, pollute or harm such waters or cause nuisances, such as floating or submerged debris, oil or scum, discoloring, objectionable odor or taste, or that may be harmful to human, animal, plant or aquatic life.

12.5.2 No land use may cause the deposit on or into the ground or discharge into the waters of the State, any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of any water body, tributary stream or wetland.

12.5.3 Chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with residential uses or homestead agriculture uses, may not be stored within any shoreland district adjacent to a great pond or adjacent to a river or stream that flows to a great pond.

12.5.4 No commercial or noncommercial land use that stores or uses toxic chemicals or materials, or that produces a by-product or waste product that is hazardous to the waters of the State, may be located in any shoreland district adjacent to a great pond or a river or stream that flows to a great pond.

12.5.5 Salt/sand piles, road salt storage and loading areas, snow dumps containing de-icing chemicals, subsurface storage of petroleum and petroleum products or any other land uses that involve the manufacture, storage, use, transportation or disposal of toxic or hazardous materials, are prohibited directly over or within 250 feet of the boundaries of any significant sand and gravel aquifer that is

identified in the Bucksport Comprehensive Plan, as adopted. Household heating oil tank installations in full compliance with State regulations are exempt from this prohibition.

12.5.6 All storage facilities for fuel, chemicals, chemical or industrial wastes or biodegradable raw materials must comply with the applicable rules and regulations of the Maine Department of Environmental Protection and the State Fire Marshal's Office.

12.5.6.1 All new and replacement heating oil tanks within the wellhead protection zone of community drinking water wells must be double-walled or have secondary containment.

12.5.7 Secondary documentation may be required for any development or land use involving excavation within 5 feet of the water table, or if the reviewing authority determines that a closer examination of identified risks of pollution to surface or subsurface waters is warranted.

12.5.8 Secondary documentation required by the reviewing authority may include, but is not limited to:

1) A hydrogeology study or assessment prepared by a qualified professional.
2) A design for the handling and storage of materials at risk of polluting surface or subsurface waters, prepared by a qualified professional.
3) A professional review of any private or public water supply system.
4) A water quality test.

12.6 AIR ENVIRONMENT

OBJECTIVE: To ensure that the ambient air environment is adequately protected from the detrimental effects of pollutant air emissions from any land use.

12.6.1 No land use may introduce pollutant emissions into the air except in compliance with State ambient air quality standards and State emissions standards.

12.6.2 The reviewing authority may require secondary documentation for any land use subject to 38 M.R.S.A. §481 et seq. (the Site Location of Development Law) or any commercial or noncommercial land use that emits pollutants into the ambient air environment other than heating fuel combustion byproducts.

12.6.3 Secondary documentation required by the reviewing authority may include, but is not limited to:

1) An air quality impact study and mitigation plan prepared by a qualified professional.
2) Evidence that an Air Emission License has been or will be obtained.

12.7 WILDLIFE HABITAT

OBJECTIVE: To ensure that significant wildlife habitat is adequately protected from any detrimental effect of land development or use.

12.7.1 No land use may cause any detrimental effect to significant wildlife habitat.

12.7.2 If any portion of a proposed development lies within any of the significant wildlife habitat areas identified below, secondary documentation must be submitted to the reviewing authority. The documentation must assess the potential effect of the development on the habitat and adjacent areas that are important to the maintenance of the affected species and it must describe appropriate mitigation measures to ensure that the proposed development will have no detrimental effect. Significant wildlife habitat areas include:

1) Habitat for species appearing on the official State or Federal lists of endangered or threatened species;
2) High and moderate value waterfowl and wading bird habitats, including nesting and feeding

areas;

3) Shorebird nesting, feeding and staging areas and seabird nesting islands;
4) Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission;
5) High or moderate value fish spawning and nursery areas that have been identified by the Maine Department of Inland Fisheries and Wildlife;
6) High or moderate value deer wintering areas or travel corridors; and
7) Any other important habitat areas identified in the Bucksport Comprehensive Plan, as adopted.

12.7.3 The following restrictions apply to any proposed land use that includes significant resources as identified in Section 12.7.2:

1) Habitat for species appearing on the official State or Federal lists of endangered or threatened species may not be developed.
2) There may be no removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species, unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.
3) There may be no cutting of vegetation within the strip of land extending 75 feet inland from the shoreline of the following habitat areas:
   a) High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
   b) Shorebird nesting, feeding and staging areas and seabird nesting islands;
   c) Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission;
   d) High or moderate value fish spawning and nursery areas that have been identified by the Maine Department of Inland Fisheries and Wildlife; or
   e) Any other important habitat areas identified in the Bucksport Comprehensive Plan, as adopted.

12.7.4 Secondary documentation required by the reviewing authority may include, but is not limited to:

1) An impact assessment report prepared by the Maine Department of Inland Fisheries and Wildlife or a qualified professional.
2) A mitigation plan prepared by a qualified professional.

12.8 CLEARING OR REMOVAL OF VEGETATION, EXCLUDING TIMBER HARVESTING

OBJECTIVE: To ensure that vegetation within any shoreland district is protected from excessive cutting or removal.

12.8.1 In the RPO District abutting Silver Lake or Mud Pond, there may be no cutting of vegetation within the buffer strip of land extending 100 feet inland from shoreline, except for the following purposes:

1) To remove trees identified by the code enforcement officer as safety hazards. Openings created by the removal of trees identified as safety hazards must be replanted with native tree species, unless existing new tree growth is present.
2) To establish and maintain public use recreational footpaths on town-owned property. Footpaths following the shoreline may be no closer than 50 feet from the shoreline and may be no wider than 6 feet as measured between tree trunks or shrub stems, as applicable. Pruning of trees and other vegetation may also be conducted to establish and maintain occasional side trail footpaths leading to scenic views from the shoreline or other locations. Footpaths leading to the shore may not provide a cleared line of sight to the water through the buffer strip and may not be more than 6 feet in width.

12.8.1.1 In any other RPO District, within the buffer strip of land extending 100 feet inland from the shoreline of any water body, or within the buffer strip of land extending 75 feet inland from the shoreline of a tributary stream or wetland, the cutting or removal of vegetation must be limited to that which is necessary for uses expressly authorized in that district. Openings created by the removal of trees identified as safety hazards must be replanted with native tree species, unless existing new tree growth is present.

12.8.2 In the LRPO District, there may be no cutting of vegetation within the buffer strip of land extending 100 feet inland from the shoreline, except to remove trees that have been identified as safety hazards by the code enforcement officer or to allow for the expansion of nonconforming structures. Openings created by the removal of safety hazards must be replanted with native tree species, unless existing new tree growth is present.

12.8.3 Except in the buffer strips identified in Sections 12.8.1 and 12.8.2, trees and other vegetation may be cut or removed in any shoreland district within the buffer strip of land extending 100 feet inland from the shoreline of a great pond or a river flowing to a great pond, or within the buffer strip of land extending 75 feet inland from the shoreline of any other water body, tributary stream or wetland, subject to the following limitations:

1) Cleared openings in the forest canopy or cleared openings in other existing woody vegetation if a forested canopy is not present, may be created but no opening may exceed 250 square feet, as measured from the outer limits of the tree or shrub crown. Cleared openings for the development of permitted uses are not subject to this limitation.
2) If the removal of any storm-damaged, diseased, unsafe, or dead tree creates an opening larger than 250 square feet, the removed tree must be replanted with native tree species, unless existing new tree growth is present. Tree removal for the development of permitted uses is not subject to this limitation.
3) One footpath per lot is allowed, provided that a cleared line of sight to the water through the buffer strip is not established. The footpath may be no more than 6 feet in width, as measured between tree trunks or shrub stems, as applicable.
4) Existing vegetation under 3 feet in height and other ground cover, including leaf litter and the forest duff layer, may not be cut, covered or removed. Vegetation removal to provide for a footpath or for the development of permitted uses is not subject to this limitation.
5) Tree branches on the bottom 1/3 of any tree may be pruned.
6) A well-distributed stand of trees and other vegetation must be maintained in accordance with Sections 12.8.4 and 12.8.5, as applicable.
7) No more than 40% of the total volume of trees 4 inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any 10-year period. Tree removal in conjunction with the development of permitted uses is included in the 40 percent calculation.

12.8.4 A well-distributed stand of trees and other vegetation must be maintained in the buffer strips that are subject to the clearing restrictions identified in Section 12.8.3. Compliance with this requirement is determined by calculating a score for existing tree growth in accordance with the method described in this section, and identifying that the preservation of other vegetation meets the requirements of Section 12.8.5. A well-distributed stand of trees in the buffer strip adjacent to a great pond or a river or stream flowing to a great pond requires a minimum rating score of 24 for each measured area. In the buffer strip adjacent to other water bodies, tributary streams and wetlands, a minimum rating score of 16 is required for each measured area. Scores are determined by assigning point values to trees within a measured area 25 feet by 50 feet. Point values are determined by the diameter of each tree as measured at 4 ½ feet above ground level. Points are assigned as follows:

- Tree diameters at least 2 inches but less than 4 inches are assigned 1 point.

- Tree diameters at least 4 inches but less than 8 inches are assigned 2 points.
- Tree diameters at least 8 inches but less than 12 inches are assigned 4 points.
- Tree diameters of 12 inches or larger are assigned 8 points.

12.8.4.1 Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot area may be assigned to trees greater than 12 inches in diameter.

12.8.4.2 When more than one measured area of tree growth is scored, the measured areas must be abutting and may not overlap. Measured areas must include those areas where clearing is proposed.

12.8.4.3 No vegetation may be removed from any measured area unless the assigned points for the measured area equal more than those required, and the removal of vegetation will not reduce the points to below those required for the measured area, except when otherwise allowed by this ordinance.

12.8.5 Existing vegetation under 3 feet in height and other ground cover must be retained in the buffer strips in accordance with Section 12.8.3(4). At least 5 saplings less than 2 inches in diameter at 4 ½ feet above ground level must be retained in each area that is scored in accordance with Section 12.8.4. If 5 saplings do not exist, no woody stems less than 2 inches in diameter may be removed until 5 saplings have been recruited into the measured area.

12.8.6 Outside the buffer strips identified in Sections 12.8.1, 12.8.2 and 12.8.3, in any shoreland district, the cutting or removal of vegetation must be limited to that which is necessary for uses expressly authorized in that district. Selective cutting of not more than 40 percent of the volume of trees 4 inches or more in diameter, measured 4 1/2 feet above ground level, is allowed on any lot in any 10-year period. Tree removal in conjunction with clearing for the development of permitted uses is included in the 40 percent calculation. For the purposes of these standards, volume may be considered equivalent to basal area.

12.8.7 Cleared openings in any shoreland district may not exceed in the aggregate, 25% of the lot area in a shoreland district, or 10,000 square feet, whichever is greater, including land previously cleared~~,~~ . This provision does not apply to cleared openings in the DTS District, CFMA District or the IDO District. Cleared openings include, but are not limited to:

1) principal and accessory structure footprints,
2) driveways and parking lots,
3) lawns and
4) sewage disposal areas.

12.8.8 Legally existing, nonconforming cleared openings may be maintained but may not be enlarged, except as allowed by this ordinance.

12.8.9 Fields and other cleared openings that have reverted primarily to shrubs, trees, or other woody vegetation are regulated under the provisions of Section 12.8.

12.8.10 Clearing or removal of vegetation subject to compliance with the requirements of Section 12.8 and which is not subject to permitting, may not be conducted until required documentation has been submitted to and approved by the code enforcement officer.

12.8.11 Exemptions to the clearing and vegetation removal requirements contained in Section 12.8 are located in Appendix K, Addendum 3, Section 1.

12.8.12 Regulations for Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal are located in Appendix K, Addendum 3, Section 2.

12.8.13 Revegetation Requirements to address clearing violations are located in Appendix K, Addendum 3, Section 3.

12.8.14 In the LRO District adjacent to Hancock Pond, all land uses that involve soil disturbance or use of undeveloped land must take appropriate measures to protect threatened plant species, as identified in the town's comprehensive plan. The reviewing authority for a proposed land use may require a

botanical survey of the area to identify the presence of such plant species.

12.8.15 The reviewing authority may require secondary documentation in the event of a proposal requiring the cutting or removal of vegetation throughout an area of 40,000 sq. ft. or more in any shoreland district.

12.8.16 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A cutting or clearing plan prepared by a qualified professional.

SPECIAL AREA STANDARDS

12.9 AREAS OF PREHISTORICAL & HISTORICAL IMPORTANCE

OBJECTIVE: To ensure that areas of prehistorical and historical importance are adequately protected from any detrimental effect of land development or use.

12.9.1 Any application for a land use involving structural development or soil disturbance on any site listed or eligible to be listed on the National Register of Historic Places must be submitted by the applicant to the Maine Historic Preservation Commission (MHPC) for review and comments at least 20 days prior to action being taken by the reviewing authority. The reviewing authority must consider comments received from the MHPC prior to rendering a decision on the application.

12.9.2 If any portion of a development is designated as a site of prehistorical or historical importance by the MHPC or the Bucksport Comprehensive Plan as adopted, appropriate protective measures must be included in the development plan.

12.9.3 The reviewing authority may require secondary documentation for any required protective measures involving designed structures or other engineered methods of protection.

12.9.4 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A mitigation plan prepared by a qualified professional.

12.10 AREAS OF SCENIC VALUE

OBJECTIVE: To ensure that vistas of scenic value are adequately protected from any detrimental effect of land development or use.

12.10.1 No land use may adversely diminish visual access to any scenic view at locations identified in the Bucksport Comprehensive Plan, as adopted.

12.10.2 Any development of land within the viewshed of a scenic view, as seen from any public road, must provide for the preservation of trees and other vegetation in landscaping designs. A buffer or screen in accordance with the requirements of Section 12.15 may be required to minimize the visual impact of the development on the scenic view.

12.10.3 The reviewing authority may require secondary documentation for any required protective measures involving designed structures or other engineered methods of protection.

12.10.4 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A plan of protection prepared by a qualified professional.

12.11 AREAS OF SHORELINE ACCESS

OBJECTIVE: To ensure that areas for public access to water bodies and wetlands, and areas developed with commercial fisheries and maritime activities are adequately protected from any

detrimental effect of land development or use.

12.11.1 No land use may adversely affect any public access to a water body, wetland or any commercial fishing or maritime activity. A buffer or screen in accordance with the requirements of Section 12.15 may be required to minimize the impact of development to the public access or commercial fishing or maritime activity.

12.11.2 The reviewing authority may require secondary documentation for any required protective measures involving designed structures or other engineered methods of protection.

12.11.3 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A plan of protection prepared by a qualified professional.

12.12 AREAS OF FLOOD HAZARD

OBJECTIVE: To ensure that areas of flood hazard are adequately protected from any detrimental effect of land development or use.

12.12.1 All development activities in areas of flood hazard must comply with the requirements of the Bucksport Town Code, Appendix D, Floodplain Management Ordinance.

12.12.2 The reviewing authority may require secondary documentation for any required protective measures involving designed structures or other engineered methods of protection.

12.12.3 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A plan of flood protection methods prepared by a qualified professional.

12.13 AREAS OF UNIQUE NATURAL CHARACTER

OBJECTIVE: To ensure that areas with unique natural character, as identified in the Bucksport Comprehensive Plan, are adequately protected from any detrimental effect of land development or use.

12.13.1 If any portion of a proposed development is located within or adjacent to an area designated as a unique natural area by the Bucksport Comprehensive Plan, as adopted, appropriate measures must be taken to protect the features that qualify the site for such designation from any detrimental effect of land development or use.

12.13.2 The setback for any proposed principal structures to be located adjacent to any unstable or highly unstable coastal bluff, as identified by the Maine Geological Survey on their most recent coastal bluff maps, must be determined in accordance with the requirements of Section 14.6.

12.13.3 The reviewing authority may require secondary documentation for any required protective measures involving designed structures or other engineered methods of protection.

12.13.4 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A plan of protection prepared by a qualified professional.

LOCAL AREA STANDARDS

12.14 DEVELOPMENT PATTERNS

OBJECTIVE: To ensure that the scale and site features of land development in any local area or neighborhood are consistent with existing or planned development patterns.

12.14.1 New structural development and site improvements within any residential neighborhood must be designed and landscaped to be consistent with the development features of the locale.

12.14.2 Any commercial or noncommercial principal structure located on land with frontage on Main Street or Route 1 and which is visible from either public way, must be designed to include the following architectural features:

1) A pitched roof or the appearance of a pitched roof, with a minimum slope of 5 inches per foot.
2) Exterior siding composed of natural wood, vinyl or composite materials, brick, or other materials with similar texture and appearance.

12.14.3 The reviewing authority may require secondary documentation if concerns or questions are raised about proposed architectural or landscaping features and they can not be adequately addressed with the basic application submissions.

12.14.4 Secondary documentation required by the reviewing authority may include, but is not limited to:

1) Architectural or landscaping plans prepared by a qualified professional.

12.15 BUFFERS & SCREENING

OBJECTIVE: To ensure that any use of land is appropriately separated and shielded from abutting land uses and public ways to minimize any detrimental effects.

12.15.1 A physical barrier, in the form of a vegetated buffer or screening or a combination of both, must be provided to minimize any detrimental effect of a proposed land use beyond its property lines, to the greatest practical extent. The barrier must be long enough, wide enough, high enough and sufficiently dense or otherwise appropriately designed to serve its intended purpose. A physical barrier is not required when the reviewing authority determines that a proposed land use will not cause any detrimental effect beyond its property lines or that identified detrimental effects will be more effectively mitigated by other means.

12.15.2 Buffers adjacent to a protected natural resource must comply with the requirements of Section 12.8 or the Natural Resource Protection Act, as applicable.

12.15.3 Buffer strips must be comprised of vegetation species that the reviewing authority finds suitable and sufficient to accomplish the required mitigation. The buffer strip is intended to be effective year round. Plant material should be comprised of a variety of native deciduous and evergreen species. All buffer strips must be maintained by the owner.

12.15.4 Except for buffers subject to the requirements of Sections 12.15.2 and 12.15.3, buffer strips may be replaced by screening if the screening provides at least an equivalent level of mitigation as a buffer strip for the relevant detrimental effects. Screening must comply with the following requirements:

1) Screening may be comprised of man-made objects such as buildings, structures or fences. Any such object must be in good repair and maintained as required. Mobile homes, vehicles, box trailers and similar structures may not be used for screening purposes.
1) Screening may be comprised of natural features in the topography of a site such as hills, gullies, or rock outcrops.
2) Fencing must be constructed with materials designed for such use. The installation must be designed to resist the effects of frost.
3) Fences must be properly maintained by the owner. Structures and fences used for screening should be located at a sufficient distance from property lines to allow access for maintenance on all sides without intruding upon abutting properties.

12.15.5 A combination of buffer strips and screening may be allowed if the reviewing authority determines that it will accomplish the required mitigation objectives.

12.15.6 Required buffers and screening must be in place before commencement of the permitted use. The reviewing authority may allow a permitted use to commence prior to the installation of a required vegetative buffer if it has been determined that there is insufficient time in the growing season to ensure a successful establishment of the vegetation. In this event, the reviewing authority shall set a deadline for installation of the vegetation. Vegetation made part of a required buffer or screening must be fully effective within 4 years of the date of approval of the related land use.

12.15.7 The reviewing authority may require secondary documentation to provide for a detailed review or if there are concerns about buffers or landscaping details.

12.15.8 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) Architectural or landscaping plans prepared by a qualified professional.

12.16 ELECTROMAGNETIC FIELDS

OBJECTIVE: To ensure that any detrimental effects from electromagnetic fields are adequately mitigated.

12.16.1 No land use may generate electromagnetic fields that cause unreasonable interference with the transmission or reception of any electrical impulses located beyond the property boundary. In all cases, Federal and State requirements must be met.

12.16.2 The reviewing authority may require secondary documentation for any proposed land use if the use includes the generation of strong electromagnetic fields and there are concerns about detrimental effects caused by the fields.

12.16.3 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A plan of protection prepared by a qualified professional.

12.17 LIGHTING

OBJECTIVE: To ensure that any detrimental effects from artificial lighting are adequately mitigated.

12.17.1 Exterior luminaires providing lighting for security, safety, advertising or operational needs may not transmit lighting beyond the property line in any manner that causes invasive illumination of abutting properties or in any manner that is a hazardous distraction or nuisance to motorists on adjacent roadways.

12.17.2 Exterior post-mounted luminaires must have shielding to provide a beam cut-off at no more than 75 degrees above nadir.

12.17.3 Exterior luminaires must be turned down or off when not in use. All exterior luminaries must be kept in good repair by the property owner.

12.17.4 No exterior luminaries may emit rotating or flashing lights, except safety signaling devices as required by law.

12.17.5 The reviewing authority may require secondary documentation to provide for a detailed review or if there are concerns about the detrimental effects of artificial lighting.

12.17.6 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A lighting design prepared by a qualified professional.

12.18 NOISE

OBJECTIVE: To ensure that any detrimental effects from noise are adequately mitigated.

12.18.1 With the exception of noise from natural phenomena, emergency vehicles, warning devices, time signals, construction or demolition activities, and agricultural or timber harvesting operations, the maximum permissible sound pressure level of any continuous, regular, frequent, intermittent or periodic source of noise produced by any activity regulated by this ordinance must comply with the Maine Department of Environmental Protection Regulations 375.10, as amended.

12.18.2 The reviewing authority may require secondary documentation for any land use subject to 38 M.R.S.A.§481 et seq. (the Site Location of Development Law) or any land use that is expected to generate noise at a decibel level and duration that may cause a detrimental effect on abutting properties.

12.18.3 The reviewing authority may limit the hours of operation of any use subject to Level 2 review in addition to other actions required to mitigate any detrimental effects of noise to abutting properties.

12.18.4 All noise mitigation measures must be installed and functioning upon occupancy of the site or operation under the approved permit.

12.18.5 Secondary documentation required by the reviewing authority may include, but is not limited to:

1) A noise mitigation plan prepared by a qualified professional.
2) Written documentation from a qualified professional verifying that a site complies with noise mitigation requirements.

12.19 <u>ODORS</u>

OBJECTIVE: To ensure that any detrimental effects of nuisance odors are adequately mitigated.

12.19.1 No land use may emit putrid, fetid or noxious odors beyond the property boundaries in such concentration and duration that causes a detrimental effect to the use and enjoyment of property or to the public health and safety.

12.19.2 The reviewing authority may consider the direction of prevailing winds, and existing vegetation and topography in determining the risk of detrimental effect of odors on abutting properties and the public.

12.19.3 Any agricultural land use that is storing or spreading manure in accordance with best management practices is considered to be in compliance with Section 12.19.1.

12.19.4 Any wastewater treatment facility operating in accordance with all local, State and Federal rules, laws and regulations is considered to be in compliance with Section 12.19.1.

12.19.5 The reviewing authority may require secondary documentation for any land use subject to 38 M.R.S.A. §481 et seq. (the Site Location of Development Law) or any land use that may be a source of putrid, fetid or noxious odors.

12.19.6 Secondary documentation required by the reviewing authority may include, but is not limited to:

1) An analysis or study of the detrimental effects of specific nuisance odors prepared by a qualified professional.
2) An odor mitigation plan prepared by a qualified professional.

12.20 <u>SOLAR GAIN</u>

OBJECTIVE: To ensure that the solar gain utilized by active or passive solar energy collection systems is adequately protected.

12.20.1 No structure may be built or expanded in any manner that will impair the use of existing active or passive solar energy collection systems.

12.20.2 The reviewing authority may require secondary documentation to provide for a detailed review or if there are concerns about the potential for blockage of solar gain for existing active or passive solar energy collection systems.

12.20.3 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) Building designs and solar orientation prepared by a qualified professional.

12.21 SMOKE AND DUST

OBJECTIVE: To ensure that any detrimental effects of smoke and dust are adequately mitigated.

12.21.1 No land use may emit smoke or dust beyond the property boundaries in such concentration and duration that causes any detrimental effects including, but not limited to:
1) Excessive soiling or staining of property.
2) Excessive surface accumulation of particulates.
3) Hazardous reduced visibility for motorists.
4) Breathing difficulties or other adverse health effects.

12.21.2 The reviewing authority may require secondary documentation if there are concerns about the potential for detrimental effects from smoke or dust.

12.21.3 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A mitigation plan prepared by a qualified professional.

12.22 VIBRATION

OBJECTIVE: To ensure that any detrimental effects of subterranean vibration from land use activities are adequately mitigated.

12.22.1 No subterranean vibration from a land use may be generated at such an intensity or duration that causes damage to any structure located beyond the property boundaries.

12.22.2 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A mitigation plan prepared by a qualified professional.

PUBLIC SAFETY STANDARDS

12.23 DRINKING WATER

OBJECTIVE: To ensure that the quantity and quality of public and private drinking water supplies are adequately protected.

12.23.1 No land use may reduce the quality of water sources for private or public drinking water to below minimum requirements for raw and untreated drinking water as specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A. §601. If existing water quality is found to be nonconforming to those regulations, no proposed development or use of land may increase the nonconformity.

12.23.2 No land use may substantially lower the found water table or otherwise detrimentally affect the quantity of subsurface water available to water supply wells not under the control of the property owner.

12.23.3 Connection to the public water supply system is required for any land use located within the existing service area of the municipal water service provider if the land use requires a pressurized water

supply. The reviewing authority for a commercial or noncommercial land use located outside the service area may require connection to the public water supply if it has been determined that the water supply needs for the land use cannot be met with a private water supply.

12.23.4 Costs for any required improvements to the public water supply system, including treatment and distribution facilities that are necessary to meet the expected demand for water in a proposed development, are the responsibility of the developer.

12.23.5 A private water supply must be provided for any land use that requires a water supply and that is exempt from meeting the requirements of Section 12.23.3. If a central water supply system is proposed, the location and protection of the source, and the design, construction and operation of the distribution system, appurtenances and treatment facilities must all conform to the standards of the State of Maine Rules Relating to Drinking Water, 10-144A CMR 231.

12.23.6 Secondary documentation may be required by the reviewing authority for any proposed water supply if there is any concern about the quantity or quality of the water supply or the design of the water supply system, or if the water supply will be located in an area where salt water intrusion, the lowering of the ground water level, or land subsidence has been or is reasonably expected to be a problem.

12.23.7 Secondary documentation required by the reviewing authority may include, but is not limited to:

1) A hydrogeology assessment prepared by a qualified professional.
2) A design for the handling and storage of materials at risk of polluting surface or subsurface waters, prepared by a qualified professional.
3) A professional review of any private or public water supply system.
4) A water quality test.
5) Estimates of the quantity of water to be used by a proposed development.

12.24 ENERGY SUPPLY SERVICES

OBJECTIVE: To ensure the safety and sufficiency of energy supply services.

12.24.1 All fuel and electrical supply lines and facilities for a proposed land use must be installed and maintained in accordance with applicable State codes and regulations.

12.24.2 The reviewing authority may require secondary documentation for any proposed land use requiring Level 2 review and which requires new energy utility infrastructure or which requires large fuel storage installations to meet energy consumption needs.

12.24.3 Secondary documentation required by the reviewing authority may include, but is not limited to:

1) Detailed utility designs and plans prepared by a qualified professional.

12.25 PUBLIC SAFETY SERVICES

OBJECTIVE: To ensure that any detrimental effects to public safety services are adequately mitigated.

12.25.1 All new construction must comply with applicable life safety and fire protection requirements.

12.25.2 All structures given a street address in accordance with town addressing requirements must be reasonably accessible to emergency response vehicles.

12.25.3 The reviewing authority may require a supplemental water supply for firefighting purposes or an automatic fire suppression system for any commercial structure meeting the following description:

1) The structure is located more than 5 miles from the public safety department or is otherwise identified as requiring an emergency response time for firefighting equipment of more than 10 minutes, or
2) The fire department has expressed concerns about the fire risks associated with the use or storage of highly flammable substances.

12.25.4 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) As required by the reviewing authority.

12.26 PUBLIC WASTEWATER

OBJECTIVE: To ensure that any detrimental effects to public wastewater facilities are adequately mitigated.

12.26.1 No land use may discharge into the public sewer disposal system any type of liquid, gaseous or solid substance at risk of causing a detrimental effect to any portion of the sewer infrastructure or treatment system.

12.26.2 No land use may discharge such quantities of wastewater into the public sewage system that will overburden existing infrastructure or treatment capacities or otherwise cause a detrimental effect on the operation of the facilities.

12.26.3 Any land use within the service area of the public wastewater disposal facility, or a proposed or required expansion of the service area, must dispose of all sanitary wastewater through an approved connection to that facility. Such a connection must be approved in writing by the director of the wastewater treatment department.

12.26.4 The reviewing authority may require secondary documentation to address any concerns raised by the wastewater treatment department, or when there are significant proposed improvements to the existing wastewater infrastructure or treatment facilities.

12.26.5 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A detailed chemical analysis, a description of pre-treatment methods or design details for proposed infrastructure improvements, prepared by a qualified professional.

12.27 SOLID WASTES

OBJECTIVE: To ensure that any detrimental effects to the proper management of solid wastes are adequately mitigated.

12.27.1 All solid waste generated by any land use must be disposed of at a licensed disposal facility having adequate capacity to accept the wastes. The reviewing authority may not approve any land use proposing to dispose of solid waste at the town's solid waste facility when it has been determined that the use will generate solid waste at a rate that will exceed the capacity of the facility or otherwise cause unreasonable burdens.

12.27.2 Solid waste may be disposed of at any out-of-town licensed disposal facility. The reviewing authority shall require evidence of a contractual agreement for disposal services for any land use proposing to use such a facility before the use may be approved.

12.27.3 The reviewing authority may require secondary documentation if there are any concerns about methods to be employed in the handling and disposal of any solid wastes, or the use of town roads by transport vehicles.

12.27.4 Secondary documentation required by the reviewing authority may include, but is not limited to:
1) A detailed plan for any proposed on-site pre-treatment or handling of solid wastes, or the handling and disposal of hazardous solid wastes, prepared by a qualified professional.
2) Identified truck travel routes.

12.28 TRAFFIC, STREETS & SIDEWALKS

OBJECTIVE: To ensure that any detrimental effects to the safety and sufficiency of streets and sidewalks are adequately mitigated.

12.28.1 Proposed streets and sidewalks must comply with the requirements of the Maine Department of Transportation, Chapter 10 of the Bucksport Town Code and Section 12.28, as applicable.

12.28.2 Proposed improvements to existing public streets must be approved in writing by the Bucksport Town Council, the municipal road commissioner or the Maine Department of Transportation, as applicable.

12.28.3 Approval of any development plan on which a proposed street or public easement is shown may not constitute or be evidence of acceptance by the municipality of such street or easement.

12.28.4 All streets must be constructed according to specifications overseen by the municipal public works director or town engineer.

12.28.5 The arrangement, character, extent, width, grade, and location of all streets must be considered in relation to existing or planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by such streets.

12.28.6 The planning board may require a development plan to show reserved areas for widening or realigning any existing street that does not meet minimum dimensional requirements. The area must be identified on the plan as "Reserved for Road Realignment or Widening Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements.

12.28.7 The reviewing authority shall require secondary documentation for proposed new street construction or substantial improvements or alterations to existing streets.

12.28.8 Any street within or providing direct access to a development must have the capacity to accommodate expected traffic flow increases from the development so as to avoid unreasonable congestion or safety hazards.

12.28.9 Where necessary to safeguard against hazards to traffic and pedestrians and to avoid traffic congestion, provision must be made for turning lanes, traffic directional islands, reverse frontage streets, sidewalks, bicycle ways and traffic controls.

12.28.10 A traffic study must be required by the reviewing authority for any proposed land use subject to Level 2 review when:
1) The land use will generate more than 35 vehicle trips in any one hour period, or
2) When there are documented concerns from MDOT, the municipal road commissioner, the municipal police department or a qualified traffic engineering professional about traffic safety or capacity deficiencies in the vicinity of the proposed land use.

12.28.11 A full traffic study area must include the first major intersection to either side of the project driveways. The study area must be expanded beyond the first major intersection(s) to either side of the project driveway to include those links and intersections for which, during any one-hour peak period, traffic attributable to the development equals or exceeds the following at any intersection in the vicinity of the development:
1) 25 vehicles in a left-turn only lane;
2) 35 vehicles in a through lane, right-turn lane or a combined through and right-turn lane; or
3) 35 vehicles (multiplying the left-turn lane volume by 1.5) in a combined left-turn, through and

right-turn lane.

12.28.12 Capacity analyses of signalized intersections located outside the study area may be required if these signals are or should be interconnected with an intersection located within the study area. The study area may need to be extended if the signal progression on a signal interconnect system is changed.

12.28.13 A full traffic study must include the following information:

1) A description of the site, including the locations of streets and driveways located on any property immediately adjacent to the site and across the street in the immediate vicinity of the project driveways.
2) A description of the existing and proposed uses of the site.
3) A regional map showing the site and roads in the vicinity of the development, and other proposed projects in the vicinity of the development.
4) A description of any traffic increases that are likely to occur in the vicinity of the development during the study period. The developer must include, as applicable, projects that are under construction and not fully occupied, projects for which State or local approval is pending, or projects that have State or local approval but are not constructed or fully occupied.
5) A calculation of the trip generation for the development and other likely traffic increases, including a summary table listing each type of land use, the size involved, the average trip generation used, and the resultant total trips generated.
6) A description and diagram of the anticipated distribution of traffic entering and exiting the site.
7) A description and diagram of the anticipated utilization of roads and intersections in the vicinity of the development.
8) A diagram and appropriate documentation of the traffic volume on roads and intersections in the vicinity of the development for both the estimated annual average daily traffic and the a.m./p.m. peak hour traffic, including turns during the peak hour. The study must show the following on the traffic diagrams:
   a) Existing traffic volume based on actual counts.
   b) Traffic attributable to other projects that are proposed or approved.
   c) Traffic attributable to the development, assuming full build-out and full occupancy.
   d) Projected traffic volume for the design hour at the time the development will begin operation, assuming full build-out and full occupancy.
   e) Left-turn lane/right-turn lane warrant analysis.
9) A capacity analysis for the determination of the level of service for each road and intersection in the vicinity of the development. Capacity analyses must be performed for all intersections that are currently operated or will be operated as part of a signal interconnect system. The analysis must report whether or not the length of storage for through or turning lanes is adequate.
10) An analysis of the need for new traffic signals in the vicinity of the development. The *Manual of Uniform Traffic Control Devices* must be used as the basis to analyze the need for construction or elimination of traffic signals, as appropriate.
11) A determination of the available sight distance in all directions at each intersection in the vicinity of the development.
12) An inventory of traffic accidents in the vicinity of the development during the most recent 3-year period. A collision diagram must be provided for all links and intersections found to meet Maine Department of Transportation criteria for "High Accident Locations."
13) A description of recommendations for improvements to deficient roads or intersections, and the results of implementation of the recommendations.

12.28.14 Secondary documentation required by the reviewing authority may include, but is not limited to:

1) A detailed plan for any proposed construction or improvements to streets or sidewalks, prepared

by a qualified professional.

2) A traffic impact study, prepared by a qualified professional.

12.29 ACCESSIBILITY

OBJECTIVE: To ensure the accessibility of public facilities.

12.29.1 New site improvements and alterations to existing site improvements, including, but not limited to, parking lots, sidewalks, stairways, ramps and accessible routes to buildings and structures, must comply with applicable accessibility requirements identified in the Maine Uniform Building and Energy Code.

12.29.2 New public buildings and structures, and alterations to existing public buildings and structures must comply with the applicable accessibility requirements identified in the Maine Uniform Building and Energy Code.

12.29.3 The reviewing authority may require secondary documentation prepared by a qualified professional to verify compliance with applicable accessibility requirements. Plans must be submitted for any project subject to barrier-free certification by the State Fire Marshal's Office.

SECTION 13 SPECIFIC LAND USE STANDARDS

13.1 All land uses identified in Section 8 are subject to compliance with standards that are specific to each individual land use, as identified in this section. Section 8 land uses that are not subject to compliance with specific use standards are listed by name only.

13.1.1 Before any land use may be approved, the reviewing authority must determine that the land use complies with applicable specific use standards.

13.2 **ACCESSORY USES**

13.2.1 ANTENNAS

13.2.2 BARNS

13.2.3 BUNKHOUSES

13.2.4 DECKS, PORCHES, STAIRS, RAMPS

13.2.4 DECKS, PORCHES, STAIRS, RAMPS

13.2.4.1 Decks and porches are subject to a 10' minimum front, side and rear setback in any zoning district. In the DTS District, decks and porches are also subject to a 25' minimum setback from the Waterfront Walkway.

13.2.4.2 Decks and porches that comply with applicable minimum setbacks for principal structures may be converted to interior floor area for an approved occupancy. Decks and porches that do not comply with minimum setbacks for principal structures may not be converted to any other use without a variance.

13.2.4.3 Stairs and ramps, with or without landings, that have a floor area of 500 square feet or less, are not subject to setback requirements, except for any applicable minimum shoreline setback.

13.2.5 FABRIC-COVERED SHELTERS

13.2.5.1 Fabric-covered shelters must comply with required setbacks for structures in any shoreland district.

13.2.6 FENCES

13.2.6.1 No fence may obstruct any scenic view as seen from a public road. This section applies to those scenic views identified in the town's comprehensive plan, as adopted.

13.2.7 GARAGES

13.2.8 GAZEBOS

13.2.9 HOME VEHICLE SERVICES

13.2.9.1 No vehicle undergoing repair in the Compact Area may remain in a state of disassembly for more than 30 days, unless it is screened from view from any public street and from any abutting property developed with a residential use.

13.2.9.2 All waste oil and other automotive fluids must be disposed of or recycled in accordance with State regulations. No automotive fluids of any kind may be drained to the public sewer.

13.2.10 HUTS

13.2.11 OFFICE & STORAGE TRAILERS

13.2.11.1 Office trailers and storage trailers must be removed from the property within 30 days after their intended use is no longer required.

13.2.12 OUTBUILDINGS

13.2.13 OUTDOOR RECREATION

13.2.13.1 Individual private campsites in any shoreland district must comply with the following conditions:

1) One campsite is allowed for every 30,000 square feet of lot area or one campsite on a nonconforming lot with less than 30,000 square feet of lot area. When an individual private

campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum dimensional requirements for the principal structure and/or use, and the individual private campsite separately.

2) The campsite location, including the area intended for a recreational vehicle site or a tent platform, must be set back 100 feet from the shoreline of a great pond or river flowing to a great pond, 75 feet from the shoreline of other water bodies or tributary streams, or 75 feet from the upland edge of a wetland, as applicable.
3) Only one recreational vehicle may be allowed on a campsite. The recreational vehicle may not be located on any type of permanent foundation, except for a gravel pad. No structure except a canopy may be attached to the recreational vehicle. A motor home, travel trailer, tent trailer, camp trailer or a motor vehicle with an attached slide-in camper is considered a structure and not a recreational vehicle if it is not supported by its tires and it is not registered with the Maine Bureau of Motor Vehicles. A self-supported slide-in camper is also considered a structure if it is not registered with the Maine Bureau of Motor Vehicles.
4) No recreational vehicle, tent or similar shelter may be used as a permanent dwelling. Any recreational vehicle in use as a seasonal dwelling must be located on the premises of a consenting private property owner for use only by members of the property owner's family or social guests.
5) No recreational vehicle, tent or similar structure may be placed on-site for more than 120 days per year unless the structure meets all requirements for residential structures, including connection with a subsurface wastewater disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules or a public sewer system.
6) The clearing of vegetation for the location of the recreational vehicle, tent or similar shelter in the RPO District is limited to 1,000 square feet.
7) A written sewage disposal plan describing the proposed method and location of sewage disposal for each campsite must be submitted to and approved by the local plumbing inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

13.2.13.2 In any shoreland district, permanently installed swimming pools, saunas and whirlpools or hot tubs, as well as any tennis court or similar structure, must comply with the required water body, tributary stream or wetland setback for structures, as applicable.

13.2.13.3 Recreational vehicles may not be occupied as a permanent dwelling. Any recreational vehicle in use as a seasonal dwelling must be located on the premises of a consenting private property owner for use only by members of the property owner's family or social guests.

13.2.14 OUTDOOR WOOD BOILERS

13.2.14.1 Outdoor wood boilers must comply with Maine DEP regulations, Chapter 150, Control of Emissions from Outdoor Wood Boilers.

13.2.14.2 An enforcement action may be taken by the town upon receipt of written documentation from a qualified observer that emissions from an outdoor wood boiler exceed applicable DEP emissions standards, or whenever an outdoor wood boiler is subjected to improper use or is used to burn prohibited fuels.

13.2.15 PATIOS

13.2.16 PENS/CORRALS

13.2.17 PET SHELTERS

13.2.18 ROUTINE PROPERTY MAINTENANCE AND REPAIRS

13.2.18.1 All property must be maintained in accordance with the requirements of the Bucksport Town Code, Chapter 5, Article 4.

13.2.18.2 When replacing a culvert in any shoreland district, adequate erosion control measures must be taken to prevent sedimentation of the water, and the crossing may not block fish passage in the watercourse.

13.2.19 SHEDS

13.2.19.1 In any shoreland district, one shed may be allowed on a lot at a location that is less than the required water body, tributary stream or wetland setback without a variance, provided that all of the following conditions are met:

1) The lot must be developed with only a residential structure.
2) There is no location on the lot where the shed can comply with the required setback.
3) The structure must be located as far from the applicable water body, tributary stream or wetland as practical and may not be located at a setback that is less than the principal structure.
4) The structure may be no more than 80 square feet in area and 8 feet in height to the roof peak.
5) The structure may not be provided with utilities.
6) The structure may only be used for the storage of yard tools and similar equipment, or wood.
7) All other applicable standards, including lot coverage and vegetation clearing must be met.
8) The property owner must obtain a permit from the code enforcement officer.

13.2.20 SIGNS

13.2.20.1 All signs must comply with the requirements of the Bucksport Town Code, Appendix H.

13.2.20.2 All signs in the RPO, SPO, TBO, LRO, LRPO and RT1S Districts must also comply with the following requirements, as applicable:

1) Business advertising signs may not exceed 6 square feet in area and may not exceed 2 signs per premises. In the RT1S District, business advertising signs facing U.S. Route 1 may not exceed 40 square feet in area. Elsewhere in the district, business advertising signs may not exceed 16 square feet in area.
2) No more than 2 name signs are allowed per lot, totaling no more than 12 square feet in the aggregate.
3) Properties may display a single sign relating to the sale, rental or lease of the premises. The sign may not exceed 4 square feet in area, except in the RT1S District such signs facing U.S. Route 1 may not exceed 40 square feet in area.
4) An unlimited number of “no trespassing” and “no hunting” signs is allowed. Each sign may be no more than 2 square feet in size.
5) Signs relating to public safety are allowed without restriction.
6) No sign may extend higher than 20 feet above the ground, as measured to the top of the sign.
7) Signs may be illuminated only by shielded, non-flashing lights. See also Section 12.17.

13.2.20.3 Business advertising signs relating to businesses not located on the premises are prohibited.

13.2.21 SOLAR ENERGY SYSTEMS

13.2.21.1 In any shoreland district, solar energy system installations may be installed in legally-existing cleared areas in the required buffer. Any additional vegetation removal required for the installation must conform with the requirements of Section 12.8. Solar energy system installations allowed in the buffer must be limited by design to supply the energy needs of the existing use on the property and may include incidental conveyances of excess generated power to the commercial power grid. Projects designed for commercial generation of power must comply with the required setback for structures.

13.2.22 UTILITY SERVICE CONNECTIONS

13.2.22.1 Sewer service connections are subject to compliance with the requirements of the Bucksport Town Code, Chapter 9.

13.2.22.2 Water service connections are subject to compliance with the rules and regulations of the town’s water service provider.

13.2.22.3 Electrical, gas and propane service connections are subject to compliance with applicable State code

requirements.

13.2.22.4 Telephone, cable, satellite and internet service connections are subject to compliance with the rules and regulations of the service provider.

13.2.22.5 No utility service connections may be provided to any new structure located in any shoreland district unless written authorization attesting to the validity and currency of all local permits required under this ordinance or any previous ordinance has been issued by the appropriate municipal officials or unless other written arrangements have been made between the municipal officials and the utility service provider.

13.2.23 WINDMILLS

13.2.23.1 In any shoreland district where windmills are allowed, the installation may be in a legally-existing cleared area in the required buffer. Any additional vegetation removal required for the installation must conform with the requirements of Section 12.8. Windmill installations allowed in the buffer must be limited by design to supply the energy needs of the existing use on the property and may include incidental conveyances of excess generated power to the commercial power grid.

13.2.24 YARD SALES

13.3 **ASSEMBLY USES**

13.3.1 AUCTION HOUSES

13.3.2 ENTERTAINMENT ESTABLISHMENTS

13.3.2.1 Entertainment establishments that include adult entertainment are subject to the following restrictions:

1) The business must be located within 5 miles of the public safety building on Franklin Street.
2) The business must be screened from view from and located at least 1,000 feet from any church, school, daycare, public building, public recreational area, public right of way or residential property.
3) The business must be approved by the State Fire Marshal's Office, if applicable.
4) All required parking must be provided on the property.

13.3.3 FUNERAL HOMES

13.3.4 LIBRARIES

13.3.5 MEETING FACILITIES

13.3.6 MUSEUMS

13.3.7 PLACES OF WORSHIP

13.3.8 RECREATIONAL FACILITIES (INDOOR)

13.3.9 RESTAURANTS

13.3.9.1 Quick service restaurants must comply with the following on-site vehicle maneuvering requirements:

1) Drive through and queuing lanes must be separated from the general circulation and parking areas on the property. The lanes must be distinctly marked by special striping, pavement markings or signs. Special striping, pavement markings or signs must be provided at the point where traffic from the drive-through lanes enters the general circulation areas.
2) Drive-through facilities must be designed to provide a counterclockwise route around the main building or other route designed to minimize on-site vehicle circulation congestion or conflicts.
3) There must be a minimum stacking area for three cars (60 feet) between the menu board and the pickup window and a minimum stacking for five cars (100 feet) behind the menu board. Stacking for five cars (100 feet) is required for facilities without a menu board.
4) Drive-through facilities may not create a conflict with pedestrian access to the building from adjacent sites, parking lots or pedestrian access routes. Pavement markings, signage, speed bumps and internal walkways may be required to help ensure pedestrian safety.

13.3.9.2 Quick service restaurants must comply with the following noise mitigation requirements:

1) Speaker boxes of any intercom system must be oriented away from residential development and other land uses at risk of detrimental effect from the sounds of the intercom system.
2) A sound attenuation wall may be required along the property lines if the reviewing authority determines that such a wall is necessary to control noise generated by the facility.
3) The hours of operation of the intercom system may be limited if the reviewing authority determines that such a limitation is necessary to achieve compatibility with surrounding land uses.

13.3.10 RETAIL MARIJUANA SOCIAL CLUBS
13.3.11 TAVERNS

13.4 EDUCATION USES

13.4.1 RESEARCH FACILITIES
13.4.2 SCHOOLS
13.4.3 SCHOOL ADMINISTRATIVE OFFICES
13.4.4 SMALL FACILITIES FOR EDUCATIONAL, SCIENTIFIC OR NATURE INTERPRETATION USE

13.5 HEALTH CARE USES

13.5.1 ALTERNATIVE TREATMENT OFFICES
13.5.2 ANCILLARY MEDICAL SERVICES
13.5.3 CLINICIAN OFFICES
13.5.4 COUNSELOR OFFICES
13.5.5 HOME-BASED HEALTH CARE SERVICES
13.5.5.1 Home-based health care services must comply with the following standards:

1) The business may not subordinate the residential use of the property.
2) No more than 30% of the total floor area of all buildings on the property may be occupied with a home-based business. The area occupied by the business may be in one or more buildings on the property, except no more than 30% of the total floor area of the residential dwelling may be occupied by the business.
3) Signage and site improvements for the home-based business may not substantially change the residential appearance of the property.
4) There may be no storage of materials related to the business outside any building.
5) No more than two employees residing off the property may work at the business location at the same time.
6) Parking in accordance with the requirements in Section 13.15.8 must be provided.

13.5.6 HOSPITALS
13.5.7 OUTPATIENT CLINICS
13.5.8 SKILLED NURSING FACILITIES
13.5.9 VETERINARIAN PRACTICES
13.5.9.1 Any veterinarian practice that includes a kennel must comply with the requirements of Section 13.13.3.

13.6 HOUSING USES

13.6.1 ADULT FAMILY CARE HOMES

13.6.1.1 Adult family care homes must be inspected and approved for occupancy by the code enforcement officer and fire department, in addition to any State-required inspections.

13.6.2 DAYCARE CENTERS

13.6.2.1 Daycare centers must be inspected and approved for occupancy by the code enforcement officer and fire department, in addition to any State-required inspections.

13.6.3 DAYCARE HOMES

13.6.3.1 Daycare homes must be inspected and approved for occupancy by the code enforcement officer and fire department, in addition to any State-required inspections.

13.6.4 DORMITORIES

13.6.5 DWELLING UNITS

13.6.5.1 On the street-level story of any commercial or noncommercial building fronting Main Street, dwelling units may only occupy floor area to the rear of the building and may not occupy more than 50% of the total floor area of the story. The rear of the building on the street-level story may be accessed by a side entrance or directly from Main Street via an entrance door and a hallway that is protected in accordance with the applicable requirements of NFPA 101 Life Safety Code, as adopted.

13.6.6 INDEPENDENT HOUSING WITH SERVICES

13.6.7 MOBILE HOMES

13.6.7.1 Manufactured housing constructed after June 15, 1976, commonly called "newer mobile homes," must be certified as compliant with the United States Department of Housing and Urban Development standards.

13.6.7.2 Manufactured housing constructed on or before June 15, 1976, commonly called "older mobile homes," must be certified as compliant with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

13.6.7.3 No mobile home may be structurally altered or expanded, or have any additional structural load bearing upon it unless such alteration, expansion or load has been approved by the mobile home manufacturer, or unless the owner agrees in writing that:

1) They understand that any structural change to a mobile home, unless it is approved by the manufacturer, voids the applicable Federal certification for the mobile home and may result in deficiencies in the structural performance of the mobile home;
2) They understand that a mobile home that is not compliant with the applicable Federal certification before a proposed structural change, may contain structural deficiencies that could be exacerbated by the structural change;
3) They understand that a mobile home that has been structurally changed without approval from the manufacturer is subject to the limitations of Section 13.6.7.4; and
4) They understand that the issuance of a permit for a structural change to a mobile home does not in any way cause the town to become liable for any structural defects or property damage that may occur.

13.6.7.4 No mobile home that fails to comply with applicable Federal standards may be relocated to another property in the Town of Bucksport. Such a mobile home may be relocated from its current location on a lot to another location on the same lot, subject to compliance with the applicable requirements of the Bucksport Town Code, Chapter 5.

13.6.7.5 No electrical service entrance equipment may be attached to the roof or exterior walls of any mobile home.

13.6.7.6 Mobile homes are subject to compliance with the requirements of the Bucksport Town Code, Chapter 5.

13.6.8 MOBILE HOME PARKS

13.6.8.1 Mobile home parks are subject to compliance with the requirements of the Bucksport Town Code, Appendix C, Subdivisions.

13.6.9 MULTI-FAMILY DWELLINGS

13.6.9.1 The occupancy of any existing structure may be converted to multi-family in districts where the use is allowed, provided that applicable off-street parking requirements in Section 13.15.8 are met.

13.6.10 ONE-FAMILY DWELLINGS

13.6.10.1 One-family dwellings are allowed in the RPO District, subject to approval in accordance with the requirements of Section 17.5.

13.6.10.2 Any one-family dwelling located in the RPO District is identified as an allowed use, provided it has been approved by special exception in accordance with the requirements of Section 17.5.

13.6.10.3 The conversion of any seasonal one-family dwelling to year-round occupancy in a shoreland district is subject to the approval of the local plumbing inspector, in accordance with applicable State rules.

13.6.10.4 No seasonal one-family dwelling may be converted to year-round occupancy if the dwelling will be served by a holding tank.

13.6.11 ONE & 1/2-FAMILY DWELLINGS

13.6.11.1 One & ½-family dwellings in the public sewer service area may be served by one sewer entrance. On any property that is not served by public sewer, one & ½-family dwellings must comply with the requirements of the State's Subsurface Wastewater Disposal Rules.

13.6.11.2 The conversion of any seasonal one & ½ -family dwelling to year-round occupancy in a shoreland district is subject to the approval of the local plumbing inspector, in accordance with applicable State rules.

13.6.11.3 No seasonal one & ½ -family dwelling may be converted to year-round occupancy if the dwelling will be served by a holding tank.

13.6.11.4 One & ½-family dwellings may not be divided into separately-owned dwelling units.

13.6.12 PRE-SCHOOLS/NURSERY SCHOOLS

13.6.13 RESIDENTIAL CARE FACILITIES

13.6.14 TINY HOUSES

13.6.14.1 Tiny houses are subject to compliance with the applicable requirements of the Maine Uniform Building and Energy Code.

13.6.14.2 Tiny houses intended to be occupied as a primary residence must be supported by a foundation constructed in accordance with the applicable requirements of the International Residential Code, as adopted by the State of Maine.

13.6.14.3 Tiny houses must be provided with the minimum plumbing fixtures required for a one-family dwelling, as identified in the Uniform Plumbing Code adopted by the State of Maine, except that a clothes washer hook-up is not required.

13.6.14.4 Tiny houses must be provided with a connection to a subsurface wastewater disposal system approved by the Bucksport Plumbing Inspector, or a connection to the public sewer approved by the Bucksport Sewer Department.

13.6.15 TWO-FAMILY DWELLINGS

13.6.15.1 The conversion of any seasonal two-family dwelling to year-round occupancy in a shoreland district is subject to the approval of the local plumbing inspector, in accordance with applicable State rules.

13.6.15.2 No seasonal two-family dwelling may be converted to year-round occupancy if the dwelling will be served by a holding tank.

13.7 **INDUSTRY USES**

13.7.1 BULK FUEL/CHEMICAL STORAGE FACILITIES
13.7.2 COMMUNICATION FACILITIES
13.7.2.1 Wireless telecommunication facility towers that are not designed to collapse within a limited area must comply with the setback requirements for structures in the district in which they are located, or a setback equal to the height of the tower plus 10 feet, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. The setback for towers that are designed to collapse within a limited area may be no less than the minimum necessary to ensure that adjacent property will not be harmed by a collapsing tower. The reviewing authority shall establish the required setback for such a structure.
13.7.3 FACTORIES
13.7.4 FREIGHT TERMINALS
13.7.5 INTRASTATE/INTERSTATE PIPELINES
13.7.6 INTRASTATE/INTERSTATE TRANSMISSION LINES
13.7.6.1 Intrastate/interstate transmissions lines may include structures that are not limited to a maximum height.
13.7.6.2 The utility structures and facilities must be located so as to minimize any detrimental effects on surrounding uses and resources, and visual impacts to scenic views, as identified in the town's comprehensive plan, as adopted.
13.7.7 MILLS
13.7.8 POWER GENERATING FACILITIES
13.7.8.1 Power generating facilities may include structures that are not limited to a maximum height, except for buildings.
13.7.9 PRODUCT DISTRIBUTION FACILITIES
13.7.10 RAIL TRANSPORTATION FACILITIES
13.7.11 REFINERIES

13.8 LODGING USES

13.8.1 HOME-BASED LODGINGS
13.8.1.1 Home-based lodgings must comply with the following standards:
1) The business must be operated by one or more persons residing in the dwelling.
2) The business is limited to sleeping space for no more than 16 people.
3) No more than two employees residing off the property may work at the business location at the same time.
4) Parking in accordance with the requirements in Section 13.15.8 must be provided.
5) The use must be State-licensed, as required.

13.8.2 HOTELS
13.8.3 MOTELS
13.8.4 RECREATIONAL LODGING

13.9 MERCANTILE USES **[AMENDED 01-13-11 EFFECTIVE 02-12-11]**

13.9.1 HOME-BASED MERCHANTS
13.9.1.1 Home-based merchants must comply with the following standards:
1) The business may not subordinate the residential use of the property.
2) No more than 30% of the total floor area of all buildings on the property may be occupied with the business. The area occupied by the business may be in one or more buildings on the property,

except no more than 30% of the total floor area of the residential dwelling may be occupied by the business.

3) Signage and site improvements for the business may not substantially change the residential appearance of the property.
4) There may be no storage of materials related to the business outside of any building.
5) No more than two employees residing off the property may work at the business location at the same time.
6) Parking in accordance with the requirements in Section 13.15.8 must be provided.

13.9.2 LARGE PRODUCT DEALERS

13.9.3 STORES

13.9.3.1 Drive-through service offered by any store must comply with the requirements of 13.3.9.1, as applicable.

13.9.3.2 Medical marijuana dispensaries must comply with the following standards:

1) On-site planting, growing or processing of medical marijuana may not be conducted.
2) On-site consumption or smoking of medical marijuana may not be conducted.
3) The land use may not be located within 500 feet of the closest property line of any lot occupied with a school at the time the land use is permitted.
4) The land use must be registered and operated in accordance with State requirements.
5) Medical marijuana and related paraphernalia may only be dispensed to patients and primary caregivers registered in accordance with State requirements.
6) An electronic security system must be installed in the dispensary. The system must include video cameras and panic buttons. The system must notify the police department of any unauthorized breach of security.
7) Business hours are limited to 9:00am to 5:00pm, Monday through Saturday.
8) Any business advertising sign for a dispensary is subject to compliance with Appendix H Sign Ordinance.
9) No products dispensed from the facility may be within view from any public way.
10) No products other than medical marijuana and related paraphernalia may be dispensed, sold or otherwise made available at the facility. The dispensing of food products containing medical marijuana is subject to licensing in accordance with town and State requirements.

13.10 **MUNICIPAL USES**

13.10.1 ANIMAL IMPOUNDMENTS

13.10.1.1 Animal impoundments are subject to compliance with the requirements of 13.13.3.

13.10.2 CEMETERIES

13.10.3 PARKING FACILITIES

13.10.4 PUBLIC BATHROOMS

13.10.4.1 Public bathrooms must be maintained in a clean and sanitary condition.

13.10.5 PUBLIC INFORMATION CENTERS

13.10.6 PUBLIC RECREATION

13.10.7 PUBLIC SAFETY FACILITIES

13.10.8 PUBLIC TRANSPORTATION FACILITIES

13.10.9 PUBLIC WORKS FACILITIES

13.10.10 SOLID WASTE DISPOSAL FACILITIES

13.10.11 UTILITY TRANSPORT SYSTEMS

13.10.11.1 Utility structures and facilities must be located so as to minimize any detrimental effects on surrounding uses and resources, including visual impacts.

13.10.11.2 Damaged or destroyed utility transport systems may be replaced or reconstructed without a permit.

13.10.12 WASTEWATER TREATMENT FACILITIES

13.10.12.1 Septage storage and dewatering facilities must comply with the following requirements:

1) The facility may not be located over a significant sand and gravel aquifer.
2) A minimum of 15 inches must be maintained between the seasonal high-water table and the base of the facility. A minimum of 24 inches must be maintained between bedrock and the base of the facility.
3) The facility must be located on soils deemed suitable for such use, as determined by a Maine registered geologist or a Maine certified soil scientist.
4) The facility may not be located within any 'A' or 'AE' Flood Zone shown on the Town of Bucksport Flood Insurance Rate Maps, as adopted.
5) The boundary of the septage handling and containment area of the facility must comply with DEP setback requirements. A variance or waiver granted by the DEP for any dimensional requirement or any other requirement equivalent to a standard listed in this section must be approved by the planning board before it may be implemented.
6) The facility must be screened from view from any public street and residential property. A vegetated buffer may be required by the planning board in accordance with the requirements in Section 12.14.
7) An access gate must be installed at the entrance to the facility. Legible signs must be posted at the gate. Signs must read as follows: "Notice - Septage Storage Area - Access Prohibited" or similar wording. Lettering on signs must be a minimum of 2 inches in height. The top of the signs must be between 4 feet and 8 feet above the ground surface. All access points to the facility must be locked to prevent unauthorized entry when the facility is not in use.
8) The facility may not include open-air sludge drying or land spreading of any type.
9) The facility must be located within fully-enclosed structures.
10) Septage containment structures must be constructed of impermeable materials suitable for the intended use and adequate to prevent any leakage. The facility must be designed to contain any septage spills caused by a failure of any above-ground containment structure, contain any leachate generated from the facility, and contain any leakage from septage conveyances. The facility must provide for detection of any subsurface septage leaks which may occur.
11) The facility must average less than 10 vehicle trips per hour to the facility in any eight hour period, unless otherwise approved by the DEP and the reviewing authority. The site operator must control any fugitive dust from the facility which may impact other properties.
12) Unloading or loading of septage at a storage facility may only occur between the hours of 6:00 AM and 7:00 PM, local time.
13) The facility may not be located on any road posted with a gross vehicle weight limit of 34,000 pounds, if the facility utilizes vehicles exceeding that gross vehicle weight to transport septage.

13.10.13 WATERWORKS FACILITIES

13.11 **PRODUCTION USES**

13.11.1 AQUACULTURE
13.11.2 AUTOMOBILE GRAVEYARDS
13.11.2.1 Automobile graveyards are subject to compliance with the applicable land use standards in this ordinance and the requirements of the Bucksport Town Code, Appendix J.
13.11.3 AUTOMOBILE RECYCLING FACILITIES
13.11.3.1 Automobile recycling facilities are subject to compliance with the applicable land use standards in this ordinance and the requirements of the Bucksport Town Code, Appendix J.
13.11.4 COMMERCIAL FISHERIES
13.11.5 HOME-BASED PRODUCTIONS
13.11.5.1 Home-based productions must comply with the following standards:

1) The business may not subordinate the residential use of the property.
2) No more than 30% of the total floor area of all buildings on the property may be occupied with the business. The area occupied by the business may be in one or more buildings on the property, except no more than 30% of the total floor area of the residential dwelling may be occupied with the business.
3) Signage and site improvements for the business may not substantially change the residential appearance of the property.
4) There may be no storage of materials related to the business outside of any building.
5) No more than two employees residing off the property may work at the business location at the same time.
6) Parking in accordance with the requirements in Section 13.15.8 must be provided.

13.11.6 JUNKYARDS
13.11.6.1 Junkyards are subject to compliance with the applicable land use standards in this ordinance and the requirements of the Bucksport Town Code, Appendix J.
13.11.7 MANUFACTURING FACILITIES
13.11.8 METALLIC MINERAL MINING **[AMENDED 11-10-11 EFFECTIVE 12-10-11]**
13.11.8.1 Metallic mineral excavations that are subject to compliance with 38 M.R.S.A. Chapter 3, §§ 481-490 and other applicable State or Federal regulations or laws, must remain in compliance with all applicable provisions of that statute and other applicable regulations or laws at all times.
13.11.9 MINERAL EXTRACTIONS **[AMENDED 11-10-11 EFFECTIVE 12-10-11]**
13.11.9.1 Excavations of borrow, clay, topsoil or silt that are subject to compliance with 38 M.R.S.A. Chapter 3, §490-A et seq, must remain in compliance with all applicable provisions of that statute at all times. Excavations of borrow, clay, topsoil or silt that are subject to town approval must comply with the performance standards in Addendum #2 to this ordinance, in lieu of the standards identified in sections 12 and 14.
13.11.9.2 Rock excavations that are subject to compliance with 38 M.R.S.A. Chapter 3, §490-W et seq, must remain in compliance with all applicable provisions of that statute at all times. Rock excavations that are subject to town approval must comply with the performance standards in Addendum #2 to this ordinance, in lieu of the standards identified in sections 12 and 14.
13.11.10 SALVAGE YARDS

13.12 **PROFESSIONAL USES**

13.12.1 BUSINESS OFFICES
13.12.2 FINANCIAL INSTITUTIONS
13.12.2.1 Drive-through service offered by any financial institution must comply with the requirements of 13.3.9.1, as applicable.

13.12.3 HOME-BASED PROFESSIONS

13.12.3.1 Home-based professions must comply with the following standards:

1) The business may not subordinate the residential use of the property.
2) No more than 30% of the total floor area of all buildings on the property may be occupied with the business. The area occupied by the business may be in one or more buildings on the property, except no more than 30% of the total floor area of the residential dwelling may be occupied by the business.
3) Signage and site improvements for the business may not substantially change the residential appearance of the property.
4) There may be no storage of materials related to the business outside of any building.
5) No more than two employees residing off the property may work at the business location at the same time.
6) Parking in accordance with the requirements in Section 13.15.8 must be provided.

13.12.4 TELEMARKETING CENTERS

13.13 RURAL USES [AMENDED 01-13-11 EFFECTIVE 02-12-11]

13.13.1 ABATTOIRS

13.13.2 AGRICULTURE

13.13.2.1 There may be no tilling of soil, manure storage or stockpiling, or livestock grazing areas within 100 feet of the shoreline of a great pond or a river flowing to a great pond, within 75 feet of the shoreline of other water bodies or coastal wetlands, or within 25 feet of the shoreline of tributary streams or freshwater wetlands, except as provided for in this section.

13.13.2.2 Tilled soils in existence on the effective date of this ordinance and which are not in conformance with Section 13.13.2.1, may be maintained.

13.13.2.3 A conservation plan prepared in accordance with the Hancock County Soil and Water Conservation Office must be filed with the planning board for any agricultural activity involving tillage of soil greater than 40,000 square feet in surface area within a shoreland district.

13.13.2.4 All spreading of manure must conform with the requirements of the Maine Department of Agriculture's November 1, 2001 publication entitled, *Manure Utilization Guidelines,* as amended, and 7 M.R.S.A. §§4201-4209 (the Nutrient Management Law). All manure storage areas must be constructed or modified to prevent the discharge of effluent or contaminated stormwater.

13.13.2.5 Livestock grazing that is not in conformance with Section 13.13.2.1 may continue, provided that such grazing is conducted in accordance with a conservation plan and is associated with ongoing agricultural activities.

13.13.2.6 The storage of chemicals, including herbicides, pesticides and fertilizers is limited to those quantities normally associated with agricultural uses.

13.13.2.7 Medical marijuana growing facilities must comply with the following standards:

1) On-site consumption or smoking of medical marijuana may not be conducted.
2) The land use may not be conducted within 1,000 feet of any place of worship, school or playground in existence at the time the land use is permitted.
3) The land use must be registered and operated in accordance with State requirements.
4) The land use may not include an on-site medical marijuana dispensary.
5) The growing facility must be located in a fully enclosed building and must not be visible from the outside. The occupancy must be in full compliance with the requirements of NFPA 101, as adopted by the State Fire Marshal's Office.

6) The manufacturing of food products in the facility is subject to licensing in accordance with town and State requirements.
7) An electronic security system must be installed in the facility. The system must include video cameras and panic buttons. The system must notify the police department of any unauthorized breach of security. The building, parking and loading areas must be fully visible from the street. Security yard lighting must be in operation between ½ hour before sunset and ½ hour after sunrise. All vehicle entrances to the property must be protected with a locked security gate.
8) Any business advertising sign for a growing facility is subject to compliance with Appendix H Sign Ordinance.

13.13.3 KENNELS

13.13.3.1 Structures or pens for housing or containing animals must be located no less than 100 feet from the nearest existing residence, other than the residence occupied by the property owner or the kennel operator.

13.13.3.2 All kennels, pens and runs must be designed, constructed and located on the site in a manner that will minimize any detrimental effects from noise or odors on surrounding properties. Among the factors that must be considered are the relationship of the use to the topography, the vegetative buffer, the direction and intensity of the prevailing winds, the location of residences and public facilities on nearby properties and other similar factors.

13.13.3.3 Kennels must be maintained in a clean, orderly and sanitary condition at all times. No garbage, offal, feces or other waste material may be allowed to accumulate on the premises. The premises must be maintained in a manner that will not attract or harbor insects, vermin or rodents. Outdoor dog runs must be completely fenced in and paved with cement, asphalt or similar material to provide for ease of maintenance.

13.13.3.4 Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement must be kept tightly covered at all times. Such containers must be made of steel or plastic to facilitate cleaning and must be located in accordance with the setback requirements for structures in Section 13.13.3.1.

13.13.3.5 Any incineration device for burning excrement-soaked waste papers or animal remains must be located a minimum distance of 400 feet from nearest residence other than the owner's or kennel operator's residence. The device must have a chimney vent not less than 35 feet above the average ground elevation and it must comply with all applicable State standards.

13.14 **SEASONAL USES**

13.14.1 CAMPGROUNDS

13.14.1.1 Campgrounds must comply with State licensing requirements.

13.14.1.2 Campgrounds located in a shoreland district must contain a minimum land area, based on the number of campsites. The minimum land area is determined by multiplying the number of campsites in the campground by 5,000 square feet. Land area occupied by roads and driveways in the campground, land supporting wetland vegetation and land below the shoreline of a water body may not be included when determining if the minimum land area requirement has been met.

13.14.1.3 Recreational vehicles may only be occupied on a seasonal basis and no longer than 7 months in any calendar year.

13.14.1.4 In any shoreland district, the areas intended for the placement of recreational vehicles, tents or shelters, and utility and service buildings, must comply with the required setback for structures.

13.14.2 FAIRGROUNDS

13.14.3 MARINAS
13.14.4 OUTDOOR FESTIVALS
13.14.4.1 Outdoor festivals are subject to licensing in accordance with the Bucksport Town Code, Chapter 6.
13.14.5 OUTDOOR MARKETS
13.14.6 OUTDOOR VENDORS
13.14.6.1 Outdoor vendors are subject to licensing in accordance with the Bucksport Town Code, Chapter 6.
13.14.7 RECREATIONAL FACILITIES (OUTDOOR)
13.14.8 SEASONAL ROADSIDE SALES

13.15 **SITE WORK USES**

13.15.1 ARCHEOLOGICAL EXCAVATIONS
13.15.1.1 Appropriate erosion and sedimentation control measures must be in place until all disturbed soil has been permanently stabilized.
13.15.2 BOAT LAUNCH FACILITIES
13.15.2.1 Private boat launching facilities on non-tidal waters may not be permitted unless it is clearly demonstrated to the reviewing authority that a public boat launching facility does not exist and such a facility is not feasible. No more than one private boat launch facility may be approved for any great pond. When considering approval of a private boat launching facility, the reviewing authority may require that an easement be granted for access to the facility by all other owners of shorefront property on the water body.
13.15.3 DRIVEWAYS
13.15.3.1 Driveways must comply with rules established by the Maine Department of Transportation, with the requirements of the Bucksport Town Code Chapter 10, and with the requirements of this section, as applicable.
13.15.3.2 Any land development abutting an arterial street may be required to have 2 or more remotely located entrances to comply with Maine Department of Transportation access management requirements.
13.15.3.3 Driveways must be located and designed to provide the required sight distance measured in each direction. Sight distances must be measured from the driver's seat of a vehicle parked at the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder. The driver's eye must be 3 1/2 feet above the ground. The maximum distance that the top of a 4 1/4 feet tall object located on the centerline of the street is visible, is the measured sight distance. This measurement must be taken from both directions. The required sight distances for various posted speed limits are as follows:

Operating Speed (mph)	Safe Sight Distance - Left (ft.)	Safe Sight Distance - Right (ft)
20	130	130
30	220	260
40	380	440
50	620	700

13.15.3.4 In any shoreland district, driveways must be set back at least 100 feet from the shoreline of a great pond or a river that flows to a great pond, and 75 feet from the shoreline of other water bodies, tributary streams, or wetlands, unless the reviewing authority has determined that no reasonable alternative exists. If no other reasonable alternative exists, the driveway setback requirement may be reduced to no less than 50 feet, provided that appropriate techniques will be used to prevent sedimentation to the water body, tributary stream, or wetland. Such techniques may include, but are

not limited to, the installation of settling basins or additional ditch relief culverts and turnouts placed so as to avoid sedimentation to the water body, tributary stream, or wetland. On slopes of greater than 20 percent, the driveway setback must be increased by 10 feet for each 5 percent increase in slope above 20 percent.

13.15.3.5 Section 13.15.3.4 does not apply to approaches to water crossings. Driveways providing access to permitted structures within a shoreland district setback area and to facilities located near a shoreline or tributary stream due to an operational necessity, must comply fully with the setback requirements of Section 13.15.3.4, except for that portion of the driveway necessary for direct access to the structure or facility. Driveways may not be installed to access temporary docks for recreational uses.

13.15.3.6 Driveways are prohibited in the RPO District, except the reviewing authority may grant a permit to construct a driveway to provide access to permitted uses within the district. A driveway may also be approved by the reviewing authority in the RPO District, upon a finding that no reasonable alternative route or location is available outside the district. When a driveway is permitted in the RPO District, the driveway must be set back as far as practicable from the shoreline.

13.15.3.7 In any shoreland district, driveway banks may be no steeper than a slope of two to one (horizontal to vertical) and must be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 12.4. Driveway grades may be no greater than 10 percent, except for segments of less than 200 feet.

13.15.3.8 Driveways and associated culverts and ditches must be designed, constructed and maintained to direct stormwater to unscarified buffer strips of a width that is at least 50 feet plus two times the average slope. The buffer strips must be located between the outflow point of the ditch or culvert and the shoreline. Surface drainage which is directed to an unscarified buffer strip must be diffused or spread out to promote infiltration of the runoff and to minimize channeled flow of the drainage through the buffer strip.

13.15.3.9 Ditch relief (cross drainage) culverts, drainage dips and water turnouts must direct drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the driveway or ditch. To accomplish this, the following requirements apply:

1) Ditch relief culverts, drainage dips and associated water turnouts must be spaced along the driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21	+ 40

2) Drainage dips may be used in place of ditch relief culverts only where the grade is 10 percent or less.
3) On sections having slopes greater than 10 percent, ditch relief culverts must be placed at approximately a 30 degree angle down slope from a line perpendicular to the centerline of the driveway.
4) Ditch relief culverts must be sufficiently sized and properly installed in order to allow for effective function and their inlet and outlet ends must be stabilized with appropriate materials.
5) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with driveways must be maintained on a regular basis to ensure effective functioning.

13.15.3.10 Except when otherwise restricted, a driveway may be located in a district that prohibits a land use

accessed by the driveway.

13.15.4 EMERGENCY OPERATIONS

13.15.5 FOREST MANAGEMENT ACTIVITIES

13.15.6 LANDSCAPING/HORTICULTURE

13.15.6.1 RETAINING WALLS

13.15.6.1.1 In any shoreland district, retaining walls that are not necessary for erosion control must meet the structure setback requirement. Low retaining walls and associated fill are exempt from this requirement, provided all of the following conditions are met:

1) The site must have been previously altered and not contain an effective vegetated buffer.
2) Retaining walls must be at least 25 feet from the shoreline.
3) The site where a retaining wall will be constructed must be a legally existing lawn or a site of erosion that cannot be stabilized with vegetative plantings.
4) The total height of the retaining wall must be no more than 24 inches as measured from the downslope side. The sum of the wall heights in terraced installations may not exceed 24 inches.
5) Retaining walls must be located outside of the 100-year floodplain, as designated on the town's FEMA Flood Insurance Rate Maps.
6) The area behind any retaining wall must be replanted with grass, shrubs, trees, or a combination thereof, and no further structural development may occur within the setback area, including patios and decks.
7) A vegetated buffer area must be established within 25 feet of the shoreline when a natural buffer area does not exist.

13.15.6.1.2 The buffer area described in Section 13.15.6.1.1(7) must meet the following characteristics:

1) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch.
2) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff.
3) Only native species may be used to establish the buffer area.
4) A minimum buffer width of 15 feet is required, as measured in a perpendicular position to the shoreline.
5) A footpath complying with Section 12.8.3(3) may traverse the buffer.

13.15.7 MINERAL EXPLORATIONS

13.15.7.1 In any shoreland district where the use is allowed, mineral exploration must be conducted by hand sampling, test boring, or other methods which create minimal disturbance of less than 100 square feet of ground surface, except as may otherwise be allowed by the reviewing authority.

13.15.7.2 All test pits and holes must be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

13.15.8 PARKING LOTS

13.15.8.1 Parking lots and off-street parking spaces must meet the minimum setback requirements for structures in the district where such uses are located, except as follows:

1) In the CFMA District, the minimum setback is 25 feet from the shoreline.
2) In any shoreland district other than the DTS District and the CFMA District, the minimum setback for parking lots serving boat launching facilities is 50 feet from the shoreline, except as provided for in Section 13.15.8.1(3) and Section 13.15.8.1(4). The reviewing authority must require a greater setback than 50 feet if a reasonable alternative for locating the parking lot farther from the shoreline is identified. The parking lot must comply with the required setback for other structures if it is determined to be reasonable.
3) A parking lot for a proposed or existing public boat launching facility may be located less than 50

feet from the shoreline, subject to compliance with the following requirements:

a) There is no existing parking lot for the facility or if there is an existing parking lot, the applicant must demonstrate that the existing parking lot is insufficient to meet the parking needs of the public and an expansion of that parking lot is not a reasonable alternative to constructing a separate parking lot.
b) The applicant must demonstrate that there is no reasonable alternative that would allow the parking lot to be located at least 50 feet from the shoreline.
c) The applicant must demonstrate that there is an actual need for the parking lot.
d) There must be no existing parking lot for the facility that is located less than 50 feet from the shoreline of the water body or wetland.
e) The parking lot must comply with the required minimum setback to the greatest practical extent, as determined by the reviewing authority. Such determination must be made in accordance with Section 16.3.7.
f) The parking lot may be located no less than 25 feet from the shoreline.
g) The parking lot size may be no greater than necessary to meet the expected demand.
h) The total impervious area of the portion of the parking lot that is less than 50 feet from the shoreline may not exceed 10,000 square feet. The total impervious area of the portion of the parking lot that is located less than 100 feet from the shoreline, combined with the total impervious surface of any existing parking lot for the facility that is so located, may not exceed 20,000 square feet.
i) Within the buffer strip between the parking lot and shoreline, a well-distributed stand of trees and other vegetation must be maintained in accordance with the requirements of Section 12.8.3. If a well-distributed stand of trees and other vegetation does not exist in the buffer strip, such stand of trees and other vegetation must be established and maintained as provided for in Section 12.8.3.
j) The reviewing authority must conduct a public hearing for the parking lot.

4) A parking lot expansion for an existing public boat launching facility may be located less than 50 feet from the shoreline, subject to compliance with the following requirements:

a) The applicant must demonstrate that the existing parking lot size is insufficient to meet the parking needs for the facility.
b) The applicant must demonstrate that there is no reasonable alternative that would allow the parking lot expansion to be located at least 50 feet from the shoreline, or to provide the facility with a separate parking lot located at least 50 feet from the shoreline.
c) The applicant must demonstrate that there is an actual need for the parking lot expansion.
d) There must be no other existing parking lot for the facility that is located less than 50 feet from the shoreline of the water body or wetland.
e) The parking lot expansion must comply with the required minimum setback to the greatest practical extent, as determined by the reviewing authority. Such determination must be made in accordance with Section 16.3.7.
f) The parking lot expansion may be located no less than 25 feet from the shoreline.
g) The expanded parking lot size may be no greater than necessary to meet the expected demand.
h) The total impervious area of the portion of the parking lot (including expansions) that is located less than 50 feet from the shoreline may not exceed 10,000 square feet. The total impervious area of the parking lot (including expansions) that is located less than 100 feet from the shoreline, combined with the total impervious surface of any other existing parking lot for the facility that is so located, may not exceed 20,000 square feet.

i) Within the buffer strip between the parking lot and shoreline, a well-distributed stand of trees and other vegetation must be maintained in accordance with the requirements of Section 12.8.3. If a well-distributed stand of trees and other vegetation does not exist in the buffer strip, such stand of trees and other vegetation must be established and maintained as provided for in Section 12.8.3.

j) The reviewing authority must conduct a public hearing for the parking lot expansion.

5) Notwithstanding the provisions of Section 14.9.4.1(4.3), a parking lot for a municipal boat launching facility is not subject to any setback from the right of way of a town road, except it may not be located less than 15 feet from the closest edge of the paved portion of the road.

6) In any non-shoreland district, the minimum setback for parking lots and off-street parking spaces is 10 feet from any property line, except parking spaces for one-family, one ½-family and two-family dwellings are not subject to any minimum setback.

7) In the DTS District, the minimum setback for parking lots and off-street parking spaces is 25 feet from the Waterfront Walkway and 10 feet from property lines, in addition to the minimum shoreline setback identified in Section 14.9.7.

13.15.8.2 Stormwater runoff from parking lots may not flow directly into a water body, tributary stream or wetland, and must be retained on-site when feasible.

13.15.8.3 Parking lots may be subject to the requirements of Section 12.15 Buffers & Screening. Plants such as tall shrubs or low branching trees that restrict visibility at a parking lot entrance must be avoided.

13.15.8.4 Parking lots must comply with the following design requirements:

1) Vehicle parking spaces must be at least 9 feet wide and 18 feet long, whether the length of the parking space is perpendicular to, parallel to or angled to the curb.

2) Vehicle and boat trailer parking spaces must be at least 10 feet wide and 40 feet long, whether the length of the parking space is perpendicular to, parallel to or angled to the curb.

3) Vehicle parking spaces that may be required by State or Federal accessibility laws or regulations are subject to compliance with the design standards of the applicable laws or regulations.

4) The minimum width of an internal travel aisle must be at least 20 feet.

5) Sufficient space must be provided for delivery vehicles, if applicable. The space must include an adequate area for maneuvering to allow turning and backing of delivery vehicles that will be expected to make deliveries to or from the location, including tractor-trailers, if any.

6) All parking spaces must be accessed from at least one entrance to the parking lot. No parking space may be accessed directly from a street.

7) Motor vehicles must be able to proceed to and from a parking space without requiring the moving of any other parked motor vehicle, except when the vehicles are owned by or under the control of the same person or the property owner.

8) Any parking lot that is directly accessed from Main Street or U.S. Route 1, must be finished with an asphalt or concrete surface.

9) Any parking lot that will not be finished with an asphalt or concrete surface must be finished with a mineral surface. Temporary parking for a short-term or one-time seasonal land use such as an outdoor festival, fair or market may be located on a vegetated surface such as a field or lawn.

13.15.8.5 The reviewing authority may require more than the minimum parking spaces required in Section 13.15.8.12, if it is determined that parking requirements for the applicable land use will not be adequately served by the minimum amount.

13.15.8.6 The reviewing authority may approve the use of off-site parking spaces to meet parking requirements, if:

1) The required parking spaces cannot be provided on the same lot where the principal use is conducted or “park & ride” locations are proposed as an alternative to on-site parking;

2) Other parking space requirements at the off-site location are not reduced or encroached upon in any manner, considering that the parking spaces may serve different principal uses at different times of day; and
3) The owner of the off-site parking spaces has provided written authorization in a form that is satisfactory to the reviewing authority for use of the parking spaces.

13.15.8.7 Existing public parking spaces in the DT and DTS Districts shall fulfill the parking requirements for any existing or proposed commercial or noncommercial use of an existing building on Main Street that is not provided with an on-site parking lot. Any public parking lot allowing overnight parking shall fulfill the parking requirements for any dwelling unit that may be allowed in an existing building occupied with a commercial or noncommercial use.

13.15.8.8 The reviewing authority may allow a phased construction of a parking lot if the total amount of parking spaces required is greater than the initial amount of parking spaces needed by a proposed land use at start-up. The land area for all required parking must be identified on the site plan. No other structural development of the land may be allowed.

13.15.8.9 The total number of employee parking spaces required for a proposed land use is based on the greatest number of employees that may be at work at any given time, without regard to the mode of transportation that may be used by employees, except as provided for in Section 13.15.8.10.

13.15.8.10 Notwithstanding the minimum parking requirements identified in Section 13.15.8.12, the reviewing authority may determine the total number of parking spaces required for a proposed land use based on actual parking needs, as demonstrated by the applicant, in the following circumstances:

1) The land use will not provide public access or will provide controlled access;
2) Employees perform their duties and communicate with their employer from a remote location, such as their home or vehicle;
3) The land use utilizes policies or practices involving alternate means of transportation by employees, such as public transit or carpooling;
4) Employees typically do not own or drive a vehicle;
5) The employer or employees reside at the place of business; or
6) Other similar extenuating circumstances that support an empirical determination of required parking for the land use.

13.15.8.11 Parking spaces required for vehicles used in the conduct of business of a proposed land use shall be determined by the reviewing authority based on actual need, as demonstrated by the applicant.

13.15.8.12 Except as otherwise provided for in Section 13.15.8, land uses identified in this ordinance must be provided with a minimum number of parking spaces, identified as follows:

1) Accessory Uses: No requirements.
2) Assembly Uses: One space for each employee. One space for every 4 seats and one space for every 8 linear feet of bench space, based on the seating capacity. If the seating capacity cannot be determined, one space is required for every 300 feet of gross floor area.
3) Education Uses: One space for each employee. 10 spaces for an elementary or middle school; one space per 4 students for a high school; one space per student for an adult education or post-secondary school and one space per 10 students for a driver training school.
4) Health Care Uses: One space for each employee. One space per patient room for a hospital, nursing home or limited care facility. One space per treatment room for other occupancies.
5) Housing Uses: One space per dwelling unit. Two spaces for a 1 ½ -family dwelling.
6) Industry Uses: One space for each employee.
7) Lodging Uses: One space for each employee. One space for each rental bedroom.
8) Mercantile Uses: One space for each employee. One space for every 200 sq. ft. of floor area utilized for sales, up to 5,000 sq. ft. Additional parking spaces may be required by the reviewing

authority in increments of one per 200 sq. ft. of floor area, based on the amount of floor area in excess of 5,000 sq. ft. that is not intended for product display or storage.

9) Municipal Uses: One space for each employee at their principal place of employment.
10) Production Uses: One space for each employee. One space for every 200 sq. ft. of floor area utilized for retail sales.
11) Professional Uses: One space for each employee. One space for every 300 sq. ft. of gross floor area.
12) Rural Uses:
    Abbatoirs- One space for each employee.
    Commercial agriculture- One space for each employee. 5 spaces for any commercial agriculture use offering product for sale directly to the public.
    Homestead agriculture- No requirements.
    Kennels- One space for each employee. One space for every 5 pens.
    Timber Harvesting- No requirements.
13) Seasonal Uses: One space for each employee. 1 space per camping site for campgrounds. Spaces equal in number to 1/3 of the maximum user/patron design capacity for other uses.
14) Site Work Uses: No requirements.
15) Trade Uses: One space for each employee. One space for every 200 sq. ft. of gross floor area.

13.15.9 ROADS AND SIDEWALKS **[AMENDED 4-14-11. EFFECTIVE 5-14-11]**

13.15.9.1 The construction of roads and sidewalks is subject to compliance with the requirements of the Maine Department of Transportation, Chapter 10 of the Bucksport Town Code, and Section 13.15.9, as applicable.

13.15.9.2 In any shoreland district, roads must be set back at least 100 feet from the shoreline of a great pond or a river that flows to a great pond, and 75 feet from the shoreline of other water bodies, tributary streams, or wetlands unless no reasonable alternative exists as determined by the reviewing authority. If no other reasonable alternative exists, the road setback requirement may be no less than 50 feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins or additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland. On slopes of greater than 20 percent, the road setback must be increased by 10 feet for each 5 percent increase in slope above 20 percent.

13.15.9.3 Section 13.15.9.2 does not apply to approaches to water crossings. Roads that provide access to permitted structures within a shoreland district setback area and to facilities located nearer to the shoreline or tributary stream due to an operational necessity must comply fully with the requirements of Section 13.15.9.2, except for that portion of the road necessary for direct access to the structure. Roads may not be constructed to access temporary docks for recreational uses.

13.15.9.4 New roads are prohibited in an RPO District, except the reviewing authority may grant a permit to construct a road to provide access to permitted uses within the district. A road may also be approved by the reviewing authority in an RPO District, upon a finding that no reasonable alternative route or location is available outside the district. When a road is permitted in an RPO District, the road must be set back as far as practicable from the shoreline

13.15.9.5 In any shoreland district, road banks may be no steeper than a slope of two horizontal to one vertical, and must be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 12.4. Road grades may be no greater than 10 percent except for segments of less than 200 feet.

13.15.9.6 In order to prevent road surface drainage from directly entering water bodies, tributary streams or wetlands, roads in any shoreland district must be designed, constructed and maintained to direct

stormwater to a non-scarified buffer strip of a width that is at least 50 feet plus two times the average slope. The buffer strip must be located between the outflow point of the ditch or culvert and the shoreline. Surface drainage which is directed to a non-scarified buffer strip must be diffused or spread out to promote infiltration of the runoff and to minimize channeled flow of the drainage through the buffer strip.

13.15.9.7 In any shoreland district, ditch relief (cross drainage) culverts, drainage dips and water turnouts must be installed in a manner effective in directing drainage onto non-scarified buffer strips before the flow gains sufficient volume or head to erode the road or ditch. To accomplish this, the following requirements apply:

1) Ditch relief culverts, drainage dips and associated water turnouts must be spaced along the road at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21	+ 40

2) Drainage dips may be used in place of ditch relief culverts only where the grade is 10 percent or less.
3) On sections having slopes greater than 10 percent, ditch relief culverts must be placed at approximately a 30 degree angle down slope from a line perpendicular to the centerline of the road.
4) Ditch relief culverts must be sufficiently sized and properly installed to allow for effective operation. Their inlet and outlet ends must be stabilized with appropriate materials.
5) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads must be maintained on a regular basis to assure effective operation.

13.15.9.8 The use of any public road, private road or public easement by any vehicle is not subject to approval by this ordinance, except as may otherwise be required in the review of a proposed land use.

13.15.10 STAIRS/RAMPS FOR WATER ACCESS

13.15.10.1 Stairways or ramps to provide shoreline access in areas of steep slopes or unstable soils are subject to the following restrictions:

1) The width may not exceed 4 feet.
2) The structure may not extend below or over the shoreline, unless permitted by the Department of Environmental Protection.
3) The applicant must demonstrate that no reasonable access alternative exists on the property.

13.15.11 SUBSURFACE WASTEWATER DISPOSAL SYSTEMS

13.15.11.1 All subsurface wastewater disposal systems must be installed and maintained in conformance with the State of Maine Subsurface Wastewater Disposal Rules, as adopted.

13.15.11.2 In any shoreland district, clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, may not extend closer than 75 feet from the shoreline.

13.15.11.3 Holding tanks are not allowed for first-time year-round or seasonal land uses. Holding tanks are not allowed as replacement systems, except for a seasonal use in any shoreland district.

13.15.11.4 Sewage disposal for any development located outside the public sewer service area must be provided by a private subsurface wastewater disposal system or a private treatment facility.

13.15.11.5 No land use or building permit may be issued for a project requiring a new or replacement subsurface

wastewater disposal system unless:

1) there is an adequate area of suitable soils to accommodate the proposed system, as demonstrated by an HHE-200 application prepared by a qualified professional; and
2) a plumbing permit can be issued in accordance with the Maine Subsurface Wastewater Disposal Rules, as adopted.

13.15.11.6 In addition to the required inspections identified in the State's subsurface wastewater disposal rules, an inspection of the completed installation is required to determine compliance with all applicable rules and regulations. No subsurface wastewater disposal installation may be put into use until all inspections have been completed, except as may be allowed by the local plumbing inspector.

13.15.12 WATER WELLS

13.15.12.1 Individual wells must be sited and constructed to prevent the infiltration of surface water and other sources of potential contamination.

13.15.13 ZERO SETBACK SHORELINE STRUCTURES

13.15.13.1 Zero setback shoreline structures must comply with the following requirements, as applicable:

1) Soils at the shoreline must be suitable for the use. Access from shore must be developed on suitable soils and constructed so as to control erosion.
2) The structure may not interfere with existing developed or natural beach areas.
3) The structure must be located so as to minimize adverse effects on fisheries.
4) The structure may be no larger than necessary to carry on the activity and it must be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters may not be wider than 6 feet for residential uses.
5) No structure may be built on, over or abutting a zero setback shoreline structure unless the structure requires direct access to the water body or wetland as an operational necessity.
6) Permanent piers and docks on non-tidal waters may not be permitted unless it is clearly demonstrated to the reviewing authority that a temporary pier or dock is not feasible, and that a permit has been obtained from the Department of Environmental Protection.
7) No existing structure built on, over or abutting a zero setback shoreline structure may be converted to a residential dwelling in any district.
8) Except in the DTS District and the CFMA District, no structure built on, over or abutting a zero setback shoreline structure may exceed 20 feet in height above the pier, wharf, dock or other structure.
9) No permanent zero setback shoreline structure may be installed or constructed until required permits from the Maine Department of Environmental Protection have been issued.
10) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot, except that when a single lot contains at least twice the minimum shore frontage as specified in Section 14, a second structure may be allowed and may remain as long as the lot is not further divided.

13.16 **TRADE USES**

13.16.1 HOME-BASED TRADES

13.16.1.1 The home-based business must comply with the following standards:

1) The business may not subordinate the residential use of the property.
2) No more than 30% of the total floor area of all buildings on the property may be occupied with the business. The area occupied by the business may be in one or more buildings on the property, except no more than 30% of the total floor area of the residential dwelling may be occupied with the business.

3) Signage and site improvements for the business may not substantially change the residential appearance of the property.
4) There may be no storage of materials related to the business outside of any building.
5) No more than two employees residing off the property may be employed at the business location at the same time.
6) Parking in accordance with Section 13.15.8 must be provided.

13.16.2 OFF-SITE SERVICES

13.16.2.1 Off-site service businesses with no base of operation in the town may perform their services in the town without review or approval, except as may otherwise be required by this ordinance or any other applicable requirement of the Bucksport Town Code.

13.16.3 ON-SITE SERVICES

13.16.4 PERSONAL CARE SERVICES

13.16.5 RETAIL MARIJUANA TESTING FACILITIES

13.16.6 VEHICLE SERVICES-CLASS 1

13.16.6.1 No Class 1 vehicle service business may store any junk vehicle or scrapped vehicle parts on the property. The reviewing authority may require parking areas for customer vehicles to be screened from view from a public street or abutting residential properties.

13.16.7 VEHICLE SERVICES-CLASS 2

13.16.7.1 No Class 2 vehicle service business may store any junk vehicle or scrapped vehicle parts on the property. The reviewing authority may require parking areas for customer vehicles to be screened from view from a public street or abutting residential properties.

13.16.7.1 No Class 1 vehicle service business may store any junk vehicle or scrapped vehicle parts on the property. The reviewing authority may require parking areas for customer vehicles to be screened from view from a public street or abutting residential properties.

SECTION 14 DIMENSIONAL STANDARDS

14.1 All land uses identified in Section 8 are subject to compliance with the dimensional standards set forth in this section, as applicable.

14.1.1 Before any land use may be approved, the reviewing authority must determine that the land use complies with applicable dimensional standards.

14.1.2 The minimum land area and street or shoreline frontage required for any land use is based on the requirements of the primary district in which the land use is located. The primary district is the district in which more than 50% of the principle structure is located.

14.1.3 If the land area requirement cannot be fully met with land in the primary district, land may be merged from other districts to meet the requirements. Merging of land may only be allowed if the following conditions are met:

1) The merged land is contiguous to the land in the primary district and all of the land must be in the same ownership;
2) The merged land is not included in land area required for another land use;
3) The merged land is not identified as land that may not be included to meet land area requirements, in accordance with Section 14.2.2; and
4) The land use is allowed in the districts governing the merged land.

14.1.4 If the street or shoreline frontage requirement for any land use cannot be fully met with land in the primary district, land may be merged from other districts to meet the requirement. Merging of land may only be allowed if the following conditions are met:

1) The merged land is contiguous to the land in the primary district and all of the land must be in the same ownership;
2) The frontage added from the merged land is contiguous with the frontage of the land in the primary district and not included in the street or shoreline frontage required for another land use; and
3) The land use is allowed in the districts governing the merged land.

14.1.5 In any shoreland district, if more than one principal commercial or noncommercial structure or use, or more than one residential dwelling unit is constructed or established on a single lot, all applicable dimensional requirements must be met for each additional dwelling unit, principal structure or use or combination thereof.

14.1.5.1 Notwithstanding the provisions in Section 14.1.5, dwelling units in a commercial or noncommercial structure in the DTS District are not subject to compliance with dimensional standards, as identified in Section 14.9.

14.1.6 In any non-shoreland district, if more than one principal structure or use is constructed or established on a single lot, all applicable dimensional requirements for each additional principal structure or use must be met.

14.1.7 Noncomformity with dimensional standards may be allowed as provided for in Section 16 and Section 18.

14.2 **LAND AREA**: Every land use must be provided with a minimum amount of land area, except as otherwise noted in this section. Minimum land area requirements for each district are identified in Section 14.9.1.

14.2.1 Minimum land area requirements are applicable to each principal structure of a land use, except as otherwise specified in Section 14.9.1.1. The following land uses identified in Section 8 are not subject

to minimum land area requirements, except as otherwise noted:

1) ACCESSORY LAND USES, except:
   a) individual private campsites (see Section 13.2.13.1)
2) AGRICULTURE, except:
   a) commercial agriculture with principal structures
3) AQUACULTURE (in the CFMA District only)
4) CEMETERIES
5) COMMERCIAL FISHERIES (in the CFMA District only)
6) HOME-BASED BUSINESSES
7) INTRASTATE/INTERSTATE PIPELINES (pipelines and ancillary equipment only)
8) INTRASTATE/INTERSTATE TRANSMISSION LINES (transmission lines and ancillary equipment only)
9) PUBLIC BATHROOMS (except if identified as a principal structure in any shoreland district)
10) PUBLIC INFORMATION CENTERS (except centers with staff or if identified as a principal structure)
11) RAIL TRANSPORTATION FACILITIES (rail lines and ancillary equipment only)
12) SEASONAL LAND USES, except:
   a) any use with permanent principal structures,
   b) any use with temporary or permanent principal structures in any shoreland district or
   c) campgrounds in any shoreland district (see Section 13.14.1).
13) SITE WORK LAND USES
14) SMALL FACILITIES FOR EDUCATIONAL, SCIENTIFIC OR NATURE INTERPRETATION USE, except any use with temporary or permanent principal structures in any shoreland district.
15) TIMBER HARVESTING
16) UTILITY TRANSPORT SYSTEMS

14.2.1.1 Land uses comprising a commercial or noncommercial multiple occupancy of a structure are not individually subject to compliance with minimum land area requirements.

14.2.2 The following land may not be included to meet minimum land area requirements:
1) Land located below a shoreline.
2) Land within a legal right-of-way or easement.
3) Land located beneath any public or private road.
4) Landlocked land with no access via a legal right of way or easement.
5) Land reserved for road realignment or widening purposes, as may be required in accordance with Section 12.28.6.

14.2.3 Lots that have been divided by a public or private road are considered non-contiguous, except any lot that has been divided by a road constructed after September 22, 1971, by the owner of that lot.

14.3 **STREET FRONTAGE**: Land area required for any land use must be provided with a minimum amount of street frontage, except as otherwise noted in this section. Minimum street frontage requirements for each district are identified in Section 14.9.2.

14.3.1 Minimum street frontage requirements are applicable to each principal structure of a land use, except as otherwise specified in Section 14.9.2.1.

14.3.2 Minimum street frontage requirements are not applicable if the land area in the primary district for a land use is accessed only by deeded easement or the land area is located on the main portion of a rear lot, also known as a “flag lot”.

14.3.3 Land uses comprising a commercial or noncommercial multiple occupancy of a structure are not

individually subject to compliance with minimum street frontage requirements.

14.4 **SHORELINE FRONTAGE**: Land area required for any land use located within a shoreland district must be provided with a minimum amount of shoreline frontage, except as otherwise noted in this section. Minimum shoreline frontage dimensions for each district are identified in Section 14.9.3. and apply to any portion of land within 100 feet of a shoreline (75 feet in the SPO and TBO Districts), whether or not the land physically connects with the shoreline. When only two boundary lines of a lot are located in this area, each line must be identified as a side lot line for the purposes of determining compliance with minimum shoreline frontage requirements.

14.4.1 Minimum shoreline frontage requirements are applicable to each principal structure of a land use, except as otherwise specified in Section 14.9.3.1.

14.4.2 Land uses comprising a commercial or noncommercial multiple occupancy of a structure are not individually subject to compliance with minimum shore frontage requirements.

14.5 **FRONT, SIDE AND REAR SETBACKS**: All principal structures of any size and all accessory structures with a floor area of more than 500 square feet are subject to compliance with minimum front, side and rear setbacks, as identified in Sections 14.9.4, 14.9.5 and 14.9.6, except as otherwise identified in this section. Setbacks are measured horizontally from the property boundaries, or from the boundaries of a right of way or easement for a road, whichever is closer to the structure.

14.5.1 The following structures have front, side and rear setback requirements that may differ from those identified in Section 14.9.4, 14.9.5 and 14.9.6:

1) Wireless Telecommunication Towers (Section 13.7.2.1)
2) Parking Lots (Section 13.15.8.1)
3) Decks, Porches, Stairs, Ramps (Section 13.2.4)

14.5.2 Driveways, roads and sidewalks are not subject to setback requirements from property boundaries.

14.6 **SHORELINE SETBACK**: All principal and accessory structures located within any shoreland district are subject to compliance with minimum shoreline setback requirements, as identified in Section 14.9.7. Setbacks are measured horizontally from the shoreline of a water body, tributary stream or wetland, as applicable. When a structure is located adjacent to a coastal bluff, setbacks are measured horizontally from the top the coastal bluff if the bluff has been identified as unstable or highly unstable on the most recent coastal bluff maps published by the Maine Geological Survey. If the applicant and the reviewing authority are in disagreement as to the specific location of the coastal bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals.

14.6.1 The water body, tributary stream, or wetland setback provision does not apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and other functionally water-dependent uses.

14.6.2 In the RPO District, structures, roads, parking spaces or other regulated objects specifically allowed in that district are subject to the following setbacks, except as provided for in Section 17.5:

1) 100 feet from the shoreline of great ponds or rivers that flow to great ponds.
2) 75 feet from the shoreline of other water bodies, tributary streams or wetlands.

14.6.3 The following land uses have shoreline setback requirements that may differ from those identified in Section 14.9.3:

1) Individual private campsites (Section 13.2.13.1)

2) Sheds (Section 13.2.19.1)
3) Solar energy systems (Section 13.2.21.1)
4) Windmills (Section 13.2.23.1)
5) Septage storage and dewatering facilities (Section 13.10.12.1)
6) Mineral extractions (13.11.8.4)
7) Driveways (Section 13.15.3.4)
8) Retaining walls (Section 13.15.6.1.1)
9) Parking lots (Section 13.15.8.1)
10) Roads and sidewalks (Section 13.15.9.2)
11) Stairs/ramps for water access (Section 13.15.10.1)
12) Subsurface wastewater disposal systems (Section 13.15.11.2)
13) Zero setback shoreline structures (13.15.13)

14.7 **LOT COVERAGE**: Non-vegetated surfaces including, but not limited to, structures, driveways, parking areas, and other areas from which vegetation has been removed from a lot, ~~is~~ are subject to maximum lot coverage requirements, as identified in Section 14.9.8. For the purposes of determining lot coverage, a leasehold interest, mortgage interest, or other estate less than fee simple does not create a separate lot.

14.8.1 **STRUCTURE HEIGHT**: All principal and accessory structures are subject to compliance with maximum structure heights, as identified in Section 14.9.9. Any structure with no floor area, such as a transmission tower, chimney, windmill, antenna, cupola, dome, widow's walk or other similar feature, is not subject to maximum structure heights. The structure height must be measured between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances with no floor area. The maximum height of nonconforming structures in any shoreland district is subject to compliance with the requirements of Section 16.3.

14.8.2 The following land uses have maximum structure height requirements that may differ from those identified in Section 14.9.9:

1) Wireless telecommunication facility towers (Section 13.7.2.1)
2) Intrastate/interstate transmission lines (Section 13.7.6.1)
3) Power generating facilities (Section 13.7.8.1)
4) Retaining walls (Section 13.15.6.1.1)
5) Zero setback shoreline structures (Section 13.15.13.1)

14.9 TABLE OF DIMENSIONAL STANDARDS

KEY: ◘- Identifies the required dimensional standard for each district.
#.#- Refers to applicable table notes.

DISTRICT ABBREVIATIONS:

DT-	Downtown	RG-	Residential Growth
DTS-	Downtown Shoreland	RPO-	Resource Protection Shoreland Overlay
C1-	Commercial 1	RT1S-	Route 1 Shoreland
C2-	Commercial 2	RT15RC-	Route 15 Residential/Commercial
C3-	Commercial 3	R1-	Rural 1
CFMA-	Commercial Fisheries & Maritimes Activities Shoreland	R2-	Rural 2
		SPO-	Stream Protection Shoreland Overlay
		TBO-	Tannery Brook Shoreland Overlay
ID-	Industry Development	VIL-	Village
IDO-	Industry Development Shoreland Overlay		
LRO-	Limited Residential Shoreland Overlay		
LRPO-	Limited Resource Protection Shoreland Overlay		

14.9.1 MINIMUM LAND AREA (See also Section 14.2)

DISTRICTS	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
NO MINIMUM						◘ **1.13**													
1,000 SQ. FT.	◘ **1.17**	◘ **1.17**																	
5,000 SQ. FT.	◘ **1.1**	◘ **1.1**																	◘ **1.3**
10,000 SQ. FT.	◘ **1.2**	◘ **1.2**	◘ **1.3**	◘ **1.3**	◘ **1.3**														
20,000 SQ. FT.			◘ **1.4**	◘ **1.4**	◘ **1.4**						◘ **1.5**								◘ **1.4**
30,000 SQ. FT.										◘ **1.14**		◘ **1.14**	◘ **1.6**						
40,000 SQ. FT.							◘ **1.5**	◘ **1.5**	◘ **1.9**	◘ **1.15**		◘ **1.15**	◘ **1.7**	◘ **1.5**			◘ **1.9**	◘ **1.9**	
60,000 SQ. FT.									◘ **1.10**	◘ **1.16**		◘ **1.16**	◘ **1.8**				◘ **1.10**	◘ **1.10**	
1 ACRE															◘ **1.11**				
4 ACRES																◘ **1.12**			

14.9.1.1 MINIMUM LAND AREA NOTES

1.1 Per one-family dwelling or one & ½-family dwelling. 7,500 square feet per two-family dwelling.

1.2 Per 3-unit multi-family dwelling. 2,500 square feet per each additional dwelling unit.
1.3 Per principal structure with public sewage disposal.
1.4 Per principal structure with private sewage disposal.
1.5 Per principal structure with public or private sewage disposal.
1.6 Per one-family dwelling or one & ½-family dwelling. 45,000 sq. ft. per two-family dwelling.
1.7 Per principal structure for commercial or noncommercial occupancy. 15,000 square feet per each dwelling unit in the structure.
1.8 Per 3-unit multi-family dwelling. 15,000 square feet per each additional dwelling unit.
1.9 Per dwelling unit.
1.10 Per principal structure for commercial or noncommercial occupancy.
1.11 Per one-family dwelling, one & ½-family dwelling or two-family dwelling, except in a subdivision.
1.12 A. Per principal structure for commercial or noncommercial occupancy. 20,000 square feet per each dwelling unit in the structure.
B. Per one-family dwelling, one & ½-family dwelling or two-family dwelling in a subdivision.
1.13 The land area must be sufficient for the proposed use.
1.14 Per dwelling unit, adjacent to tidal areas.
1.15 A. Per dwelling unit, adjacent to non-tidal areas.
B. Per principal structure for commercial or noncommercial occupancy, adjacent to tidal areas.
1.16 Per principal structure for commercial or noncommercial occupancy, adjacent to non-tidal areas.
1.17 Per principal structure for commercial or noncommercial occupancy, including any dwelling units in the structure.

14.9.2 **MINIMUM STREET FRONTAGE** (See also Section 14.3)

DISTRICTS	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
NO MINIMUM	◘ 2.7	◘ 2.7				◘ 2.6		◘ 2.6	◘ 2.6	◘ 2.6		◘ 2.6					◘ 2.6	◘ 2.6	
50 FT.	◘ 2.1	◘ 2.1																	◘ 2.5
100 FT.	◘ 2.2	◘ 2.2	◘ 2.5	◘ 2.5	◘ 2.5		◘ 2.5				◘ 2.5		◘ 2.5	◘ 2.5	◘ 2.3				
200 FT.															◘ 2.4	◘ 2.3			
400 FT.																◘ 2.4			

14.9.2.1 **MINIMUM STREET FRONTAGE NOTES**

2.1 Per one-family dwelling or one & ½-family dwelling. 75 feet per two-family dwelling.
2.2 Per 3-unit multi-family dwelling. 10 feet per each additional dwelling unit.
2.3 Per one-family dwelling, one & ½-family dwelling or two-family dwelling, except in a subdivision.
2.4 A. Per principal structure for commercial or noncommercial occupancy.
B. Per one-family dwelling, one & ½-family dwelling or two-family dwelling in a subdivision.
2.5 Per principal structure.
2.6 The street frontage requirements of the underlying district are applicable if the land in the shoreland district contains frontage on a street, except that the street frontage may not be required to exceed the minimum required shore frontage.

2.7 Per principal structure for commercial or noncommercial occupancy, including any dwelling units in the structure.

14.9.3 **MINIMUM SHORELINE FRONTAGE** (See also Section 14.4)

DISTRICTS	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
NO MINIMUM	◘	◘ 3.12	◘	◘	◘	◘	◘				◘			◘	◘	◘			◘
75 FT.		◘ 3.1																	
125 FT.		◘ 3.2																	
150 FT.										◘ 3.9		◘ 3.9	◘ 3.3						
200 FT.								◘ 3.6	◘ 3.7	◘ 3.10		◘ 3.10	◘ 3.4				◘ 3.3	◘ 3.3	
300 FT.									◘ 3.8	◘ 3.11		◘ 3.11	◘ 3.5				◘ 3.4	◘ 3.4	

14.9.3.1 **MINIMUM SHORELINE FRONTAGE NOTES**

3.1 Per one-family dwelling or one & ½-family dwelling. 100 feet per two-family dwelling.
3.2 Per 3-unit multi-family dwelling. 25 feet per each additional dwelling unit.
3.3 Per one-family dwelling or one & ½-family dwelling.
3.4 A. Per commercial or noncommercial principal structure. 150 feet per each dwelling unit in the structure.
B. Per two-family dwelling.
3.5 Per 3-unit multi-family dwelling. 150 feet per each additional dwelling unit
3.6 Per principal structure.
3.7 Per dwelling unit
3.8 Per principal structure for commercial or noncommercial occupancy. 200 feet per each dwelling unit in the structure.
3.9 Per dwelling unit, adjacent to tidal areas.
3.10 A. Per dwelling unit, adjacent to non-tidal areas.
B. Per principal structure for commercial or noncommercial occupancy, adjacent to tidal areas.
3.11 Per principal structure for commercial or noncommercial occupancy, adjacent to non-tidal areas.
3.12 Per principal structure for commercial or noncommercial occupancy, including any dwelling units in the structure.

14.9.4 **MINIMUM FRONT SETBACK** (See also Section 14.5)

DISTRICTS	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
10 FT.	◘ 4.1	◘ 4.1	◘	◘	◘	◘			◘ 4.2	◘ 4.2	◘	◘ 4.2	◘	◘			◘ 4.2	◘	◘
25 FT.															◘	◘			
50 FT.							◘	◘											
100 FT.																			

14.9.4.1 **MINIMUM FRONT SETBACK NOTES [AMENDED 8-26-10. EFFECTIVE 9-25-10] [AMENDED 4-14-11. EFFECTIVE 5-14-11]**

4.1 Where a proposed structure on Main Street would be abutted on both sides by existing structures with front setbacks that are less than the required front yard setbacks, the setback of the proposed structure may be reduced to that of the structure with the greatest front setback without the need for a variance.

4.2 The applicable setback of the underlying district must be met, if greater than 10 feet.

14.9.5 **MINIMUM SIDE SETBACK** (See also Section 14.5)

DISTRICTS	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
10 FT.	◘ 5.1	◘ 5.1	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘			◘	◘	◘
25 FT.															◘	◘			
50 FT.							◘ 5.2	◘ 5.2											

14.9.5.1 **MINIMUM SIDE SETBACK NOTES**

5.1 Zero side line setback between structures is allowed, subject to compliance with applicable fire protection standards.

5.2 If the side lot line abuts a lot in the RT15RC, R1 or VIL District.

14.9.6 **MINIMUM REAR SETBACK** (See also Section 14.5)

DISTRICTS	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
10 FT.	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘			◘	◘	◘
25 FT.		◘ 6.2													◘	◘			
50 FT.							◘ 6.1	◘ 6.1											

14.9.6.1 **MINIMUM REAR SETBACK NOTES**

6.1 If the rear lot line abuts a lot in the RT15RC, R1 or VIL District.

6.2 Minimum setback from the Waterfront Walkway. See also Section 13.2.4 and 13.15.8.1.

14.9.7 **MINIMUM SHORELINE SETBACK** (See also Section 14.6)

DISTRICTS	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
NO MINIMUM	◘		◘	◘	◘	◘	◘				◘			◘	◘	◘			◘
25 FT.		◘						◘										◘	
75 FT.									◘ 7.1				◘				◘	◘ 7.4	
100 FT.									◘ 7.2	◘									
250 FT.												◘ 7.3							

14.9.7.1 **MINIMUM SHORELINE SETBACK NOTES**

7.1 From tributary streams, wetlands, and water bodies other than great ponds and rivers that flow into great ponds.

7.2 From a great pond or a river flowing to a great pond.

7.3 Except as may otherwise be allowed in accordance with the requirements of Section 14.6.2 and Section 17.5.

7.4 The setback applies to all properties on the westerly side of Tannery Brook that are northerly of lots 9 and 10 on tax map 33; and all properties on the easterly side of Tannery Brook that are located on the westerly side of Central Street.

14.9.8 **MAXIMUM LOT COVERAGE** (See also Section 14.7)

DISTRICTS	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
NO MAXIMUM	◘	◘ 8.1	◘	◘	◘		◘				◘			◘	◘	◘			◘
20%									◘	◘		◘	◘				◘	◘	
80%		◘				◘		◘											

14.9.8.1 **MAXIMUM LOT COVERAGE NOTES**

8.1 Applies only to lots developed for a commercial or noncommercial use.

14.9.9 **MAXIMUM STRUCTURE HEIGHT** (See also Section 14.8)

DISTRICTS	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
35 FT.									◘	◘		◘	◘				◘	◘	
50 FT.	◘	◘	◘	◘		◘					◘			◘	◘	◘			◘
75 FT.					◘														
100 FT.							◘ 9.1	◘ 9.1											

14.9.9.1 **MAXIMUM STRUCTURE HEIGHT NOTES**

9.1 Or the height of the highest legally-existing structure, whichever is greater.

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SECTION 15 PERFORMANCE CRITERIA

15.1 Before any Level 1 or Level 2 review application may be approved, the reviewing authority must confirm there is clear and convincing documentation in the record to support a finding that the land use meets the applicable performance criteria listed in this section.

15.1.1 Sections 15.2, 15.3, 15.4, 15.5, 15.6 and 15.7 each contain a single criterion for which a written finding must be made by the reviewing authority. In making the finding, the reviewing authority shall consider the specific objectives or standards referenced in the section that are applicable to the proposed land use. The reviewing authority shall also note any conditions of approval that apply to the criterion. If a criterion does not reference any objective or standard that is applicable, the reviewing authority shall make a finding that the criterion is not applicable.

15.1.2 A land use application is deemed approved if the reviewing authority finds that all applicable performance criteria have been met.

15.1.3 A land use application is deemed denied if the reviewing authority finds that any performance criterion has not been met.

15.1.4 If a Level 1 review application is denied, the CEO shall provide the applicant a written explanation for the denial.

15.1.5 If a Level 2 review application is denied, the planning board shall provide the applicant a written explanation of the denial including an explanation for their vote from each member opposed to the approval.

15.2 THE ENVIRONMENT

15.2.1 **CRITERION:** The reviewing authority shall find that a proposed land use will have no impact on the environment that is contrary to the purposes of this ordinance, if there is clear and convincing documentation in the record verifying that the following objectives have been met:

1) soils are suitable for the land use;
2) stormwater runoff from the land use is minimized to the greatest practical extent and adequately managed to reduce the risk of relevant detrimental effects;
3) soil that may be exposed during any soil disturbance activity of the land use is adequately protected from unreasonable erosion and sedimentation;
4) surface and subsurface waters are adequately protected from the detrimental effects of any water pollutant from the land use;
5) the ambient air environment is adequately protected from the detrimental effects of any air pollutant from the land use;
6) significant wildlife habitat, and other important habitat as identified in the Bucksport Comprehensive Plan, as adopted, are adequately protected from any relevant detrimental effect of the land use; and
7) vegetation within any applicable shoreland district is protected from excessive cutting or removal.

15.3 SPECIAL AREAS

15.3.1 **CRITERION:** The reviewing authority shall find that a proposed land use will have no impact on special areas that is contrary to the purposes of this ordinance, if there is clear and convincing documentation in the record verifying that the following objectives have been met:

1) areas of prehistorical and historical importance are adequately protected from any relevant detrimental effect of the land use;
2) vistas of scenic value are adequately protected from any relevant detrimental effect of the land use;
3) areas for public access to water bodies, wetlands and areas developed with commercial fisheries and maritime activities are adequately protected from any relevant detrimental effect of the land use;
4) areas of flood hazard are adequately protected from any relevant detrimental effect of the land use; and
5) areas with unique natural character identified in the Bucksport Comprehensive Plan, as adopted, are adequately protected from any relevant detrimental effect of the land use.

15.4 LOCAL AREAS

15.4.1 **CRITERION:** The reviewing authority shall find that a proposed land use will have no impact on local areas that is contrary to the purposes of this ordinance, if there is clear and convincing documentation in the record verifying that the following objectives have been met:

1) the scale and site features of the land use are consistent with the development patterns in the local area or neighborhood;
2) the land use is appropriately separated and shielded from abutting land uses and public or private ways to adequately mitigate any relevant detrimental effect;
3) any relevant detrimental effects of electromagnetic fields from the land use are adequately mitigated;
4) any relevant detrimental effects of artificial lighting from the land use are adequately mitigated;
5) any relevant detrimental effects of noise from the land use are adequately mitigated;
6) any relevant detrimental effects of nuisance odors from the land use are adequately mitigated;
7) the solar gain utilized by active or passive solar energy collection systems that may be impacted by the land use is adequately protected;
8) any relevant detrimental effects of smoke and dust from the land use are adequately mitigated; and
9) any relevant detrimental effects of subterranean vibration from the land use are adequately mitigated.

15.5 PUBLIC SAFETY

15.5.1 **CRITERION:** The reviewing authority shall find that a proposed land use will have no impact on public safety that is contrary to the purposes of this ordinance, if there is clear and convincing documentation in the record verifying that the following objectives have been met:

1) the quantity and quality of public and private drinking water supplies are adequately protected from any relevant detrimental effects of the land use;
2) the safety and sufficiency of energy supply services are adequately protected from any relevant detrimental effects of the land use;
3) public safety services are adequately protected from any relevant detrimental effects of the land use;
4) public wastewater facilities are adequately protected from any relevant detrimental effects of the land use;
5) the proper management of solid wastes is adequately protected from any relevant detrimental

effects of the land use; and

6) the safety and sufficiency of streets and sidewalks are adequately protected from any relevant detrimental effects of the land use.
7) the accessibility of public property and public buildings is adequately protected from any relevant detrimental effects of the land use.

15.6 SPECIFIC USES

15.6.1 **CRITERION:** In addition to finding that the applicable criteria identified in Section 15.2, 15.3, 15.4 and 15.5 have been met, before a land use may be approved the reviewing authority must find that there is clear and convincing documentation in the record verifying that the land use has met all applicable specific use standards in Section 13.

15.7 DIMENSIONS

15.7.1 **CRITERION:** In addition to finding that the applicable criteria identified in Sections 15.2, 15.3, 15.4, 15.5 and 15.6 have been met, before a land use may be approved the reviewing authority must find that there is clear and convincing documentation in the record verifying that the land use has met all applicable dimensional standards in Section 14.

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SECTION 16 NONCONFORMANCE

16.1 GENERAL PROVISIONS

16.1.1 It is the intent of this ordinance to require all lots, structures and land uses to comply with the applicable standards in Sections 12, 13, and 14. However, any nonconforming condition involving a lot of record, structure or land use may continue, provided that the condition is not subject to any changes required by this section, and the lot of record, structure or land use existed on the effective date of an ordinance that established a regulation causing the nonconforming condition. For the purposes of this section, "the effective date" means:

1) Thirty days after the adoption of the shoreland zoning ordinance on July 30, 1992, or the date on which any subsequent amendment thereto became effective. These effective dates apply to lots, structures and land uses located in any shoreland district.
2) November 7, 1995, which is the date the citizens of Bucksport approved the adoption of the land use and site plan ordinance, or the date on which any subsequent amendment thereto became effective. These effective dates apply to lots, structures and land uses located outside any shoreland district.
3) Thirty days after the adoption of this ordinance, or the date on which any subsequent amendment thereto becomes effective. These effective dates apply to all lots, structures and land uses after it has been determined that the nonconforming condition is not subject to identification in accordance with the effective dates described in Section 16.1.1(1) or 16.1.1(2).

16.1.2 Any nonconforming lot may remain unchanged without regard to ownership, except as otherwise required in Section 16.2.

16.1.3 Any nonconforming structure may remain unchanged without regard to ownership, except as otherwise required in Section 16.3.

16.1.4 Any nonconforming use may remain unchanged without regard to ownership, except as otherwise required in Section 16.4.

16.1.5 The normal upkeep and maintenance of any nonconforming lot, structure or use may be conducted without review or approval.

16.1.6 Except as otherwise provided for in this ordinance, no change to any lot, structure or use may increase any nonconforming condition.

16.2 NONCONFORMING LOTS

16.2.1 Any lot of record that is undeveloped, vacant or contains no principal structures may be developed with a principal structure without regard to any nonconformity with minimum land area, lot width or frontage dimensional requirements, provided the following requirements are met:

1) The lot was in existence on the relevant effective date identified in Section 16.1.1.
2) Structures that require wastewater disposal are served by a public sewer or a subsurface wastewater disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.
3) Proposed structures are in compliance with all applicable setback, height and lot coverage dimensional requirements identified in Section 14, unless a variance is obtained from the board of appeals.
4) The proposed use of the lot is an allowed use in the applicable district and has all required approvals and permits.
5) In any shoreland district, if the lot is contiguous with one or more lots in the same ownership, the

lots are combined to the extent necessary to comply with the dimensional requirements applicable to the proposed use, except as provided for in Section 16.2.1.1, and except as may otherwise be required in accordance with Section 16.2.2(2). If no dimensional requirements apply to the use of the lots or no use is proposed, and the lots are not subject to the requirements of Section 16.2.1.1 or Section 16.2.2(2), the lots must be combined to meet the least restrictive minimum dimensional requirements of the district in which they are located, as identified in Section 14.9.1 and Section 14.9.3.

16.2.1.1 In the IDO, LRO, LRPO, RPO, RT1S, SPO and TBO Shoreland Districts, contiguous lots in the same ownership, at least one of which is nonconforming, are not subject to the requirements of Section 16.2.1(5) if the following requirements are met:

1) The lots were in the same ownership on July 30, 1992.
2) The lots contain or are reconfigured to contain at least 100 feet of shoreline frontage and 20,000 square feet of lot area.
3) The lots are served by public sewer or by a subsurface wastewater disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, if usage of the lot requires wastewater disposal.

16.2.2 Any lot of record that is developed with a single principal structure or principal use and that does not comply with the minimum land area, lot width or frontage dimensional requirements for that structure or use, may continue, subject to compliance with the following requirements:

1) The lot and principal structure or use was in existence on the relevant effective date identified in Section 16.1.1.
2) In any shoreland district, any such lot that is contiguous with an undeveloped lot in the same ownership must be combined with the undeveloped lot to the extent necessary to comply with the dimensional requirements applicable to the existing use.
3) Any such lot and one or more contiguous lots in the same ownership that are each developed with a principal structure or use may be conveyed separately or together. Structures on these lots that require wastewater disposal must be served by a public sewer or a subsurface wastewater disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules. The lots must also be in compliance with the requirements of 12 M.R.S.A. §§ 4807-A through 4807-D (the State Minimum Lot Size Law), if applicable.

16.2.3 Any lot of record that is developed with two or more principal structures or principal uses and that does not comply with the minimum land area, lot width or frontage dimensional requirements for those structures or uses, may be divided into individual lots for each principal structure or use, subject to compliance with the following requirements:

1) The lot and principal structures or uses were in existence on the relevant effective date identified in Section 16.1.1.
2) The lots created must comply with applicable dimensional requirements in Section 14 to the greatest practical extent, and they must comply with the State Minimum Lot Size Law, if applicable.
3) Structures that require wastewater disposal must be served by a public sewer or a subsurface wastewater disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.
4) The lot divisions must obtain subdivision approval, if required.

16.2.3.1 If a principal structure or use is destroyed or removed from a lot subject to the requirements in Section 16.2.3, the land previously occupied by the destroyed or removed structure or use must be merged with the newly created lots to satisfy Section 16.2.3(2). The destroyed or removed principal

structure or use may not be replaced or reestablished.

16.3 NONCONFORMING STRUCTURES

16.3.1 Any nonconforming principal or accessory structure may be added to or expanded subject to compliance with the applicable lot coverage limits in Section 14.9.8 and the following restrictions, as applicable:

1) Any structure or portion thereof located less than 100 feet from the shoreline of a great pond or a river flowing to a great pond, may be expanded to the extent that the total combined floor area of all structures or portions thereof so located, including expansions, is no greater than 1,500 square feet. Of that amount, no more than two thirds of the floor area may be located less than 75 feet from the same referenced shoreline.
2) The total combined floor area of all structures or portions thereof, including expansions, located less than 75 feet from the shoreline of all other water bodies, tributary streams or the upland edge of any wetland, may be no greater than 1,000 square feet.
3) The maximum height of any structure or portion thereof located less than 100 feet from the shoreline of a great pond or a river flowing to a great pond, may be no higher than 25 feet or the height of the existing structure, whichever is greater. The height of any structure or portion thereof, located less than 75 feet from the same referenced shoreline may be no higher than 20 feet or the height of the existing structure, whichever is greater.
4) The maximum height of any structure or portion thereof, located less than 75 feet from the shoreline of all other water bodies, tributary streams or wetlands, may be no higher than 20 feet or the height of the existing structure, whichever is greater.
5) No expansion may result in a structure height greater than the maximum allowed in Section 14.9.9.
6) No structure or portion thereof located less than 25 feet from the shoreline of any water body, tributary stream or upland edge of a wetland may be expanded.
7) No accessory structure located closer to the shoreline of a water body, tributary stream or wetland than the principal structure may be expanded.

16.3.1.1 An approved plan for the expansion of a nonconforming structure must be recorded by the property owner with the Hancock County Registry of Deeds, within 90 days of the date of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the reviewing authority.

16.3.2 The construction, expansion or replacement of a foundation beneath any nonconforming structure is subject to Level 1 review. In any shoreland district, the structure and new or expanded foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the reviewing authority, based on the criteria specified in Section 16.3.7. For the purposes of determining compliance with Section 16.3.1, a constructed, expanded or replaced foundation that does not extend beyond the exterior dimensions of the structure and does not elevate the structure by more than 3 additional feet, as measured from the uphill side of the structure, is not considered an expansion of the structure.

16.3.3 Any nonconforming structure may be relocated within the boundaries of the parcel on which it is located, subject to approval of the reviewing authority identified in Section 10.10. Before approval may be granted, the reviewing authority must determine that:

1) The site of relocation conforms to all setback and other dimensional requirements to the greatest practical extent, based on the criteria specified in Section 16.3.7.

2) If applicable, the structure is served by a public sewer service or a subsurface wastewater disposal system that complies with all applicable rules, regulations and laws.
3) The site of relocation does not cause the structure to be more nonconforming or create any other nonconforming condition

16.3.4 Any nonconforming structure requiring minor rehabilitation may be rehabilitated without being subject to compliance with dimensional standards. The rehabilitated structure may not increase or create any nonconforming condition. In any shoreland district, minor rehabilitation is subject to Level 1 review. An application must be submitted to the code enforcement officer within one year of the date the damage, destruction or removal requiring minor rehabilitation occurred.

16.3.5 In any shoreland district, any nonconforming structure that requires major rehabilitation for any reason may be rehabilitated or replaced, subject to the following restrictions:

1) If it is determined by the reviewing authority that the total amount of floor area of the original structure could comply with the required setback, no portion of the rehabilitated or replacement structure may be located at less than the required setback.
2) Except as provided for in Section 16.3.5(1), the rehabilitated or replacement structure must conform with dimensional requirements to the greatest practical extent based on the criteria specified in Section 16.3.7.
3) If the rehabilitated or replacement structure is allowed to be located at less than the required setback, it may not be any larger than the original structure, except as provided for in Section 16.3.1.
4) An application for a permit must be submitted to the town within 18 months of the date of the removal, damage or destruction requiring major rehabilitation.

16.3.6 In any non-shoreland district, any nonconforming structure that requires major rehabilitation for any reason may be rehabilitated or replaced, subject to the following restrictions:

1) The rehabilitated or replacement structure must conform with dimensional requirements to the greatest practical extent based on the criteria specified in Section 16.3.7.
2) If the rehabilitated or replacement structure is allowed to be located at less than the required setback, no expansion of the structure may increase any nonconforming condition.
3) An application for a permit must be submitted to the town within 18 months of the date of the damage or destruction requiring major rehabilitation or the date the original structure was removed.

16.3.7 In determining whether a nonconforming structure's relocation meets the setback to the greatest practical extent, the reviewing authority must consider the following factors:

1) The size of the lot.
2) The slope of the land.
3) The potential for soil erosion.
4) The location of other structures on the property and on adjacent properties.
5) The physical condition and type of foundation present, if any.
6) The location of the septic system and other on-site soils suitable for septic systems.
7) The type and amount of vegetation to be removed in a shoreland district to accomplish the relocation.
8) The impact of any detrimental effects of development, as identified in Section 10.6.

16.3.8 In any shoreland district, when it is necessary to remove vegetation within any shoreline setback area in order to relocate, reconstruct or replace a nonconforming structure, replanting of native vegetation to compensate for the destroyed vegetation is required. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting must meet the following requirements:

1) Trees removed in order to relocate a structure must be replanted with at least one native tree, 3 feet in height, for every tree removed. If more than five trees are planted, no one species of tree may make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the shoreline than the trees that were removed.
2) Other woody and herbaceous vegetation and ground cover that is removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the shoreline setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
3) When a structure is relocated on a parcel, the original location of the structure must be replanted with vegetation, where feasible. The vegetation may consist of grasses, shrubs, trees, or a combination thereof.

16.3.9 A change of use of any nonconforming structure is subject to review and approval of the reviewing authority, as determined in accordance with the requirements in Section 10.12.

16.4 NONCONFORMING USES

16.4.1 Nonconforming uses of land or structures may not be expanded, except:
1) A nonconforming residential use may be expanded in an existing structure or addition to the structure, subject to Level 1 review and approval. An expansion of a nonconforming residential use in the RPO District is subject to Level 2 review and approval.
2) A nonconforming commercial or noncommercial use may be expanded in any non-shoreland district, subject to review and approval, as identified in Section 10.8.
3) Any expansion that may be allowed, as identified in 16.4.1(1) or 16.4.1(2), may not create or increase any dimensional nonconformity.

16.4.2 Nonconforming uses of land or structures may not be reestablished after being discontinued or superseded by a conforming use, except:
1) A nonconforming use that has been discontinued for less than 1 year and not superseded by a conforming use, may be reestablished without review or approval.
2) A nonconforming use that has been discontinued for at least one year but less than 2 years and not superseded by a conforming use, may be reestablished subject to approval in accordance with Section 9.5.
3) A nonconforming residential use may be resumed without consideration of any time limitations, provided the previously existing interior dwelling features of the structure to be reoccupied have not been removed and the occupancy complies with the applicable requirements of Chapter 5 Building Standards and Property Maintenance.

16.4.3 An existing nonconforming use may be replaced with another nonconforming use subject to Level 2 review.

16.4.3.1 In addition to determining compliance with the applicable standards in Section 12, if the new nonconforming use is located in any shoreland district, the planning board must determine that it will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use. In making its determination, 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, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

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SECTION 17 WAIVERS, SPECIAL EXCEPTIONS

17.1 The reviewing authority may grant a waiver of any specific requirement of this ordinance, provided that:

1) no waiver has the effect of nullifying the intent and purpose of the comprehensive plan and this ordinance;
2) extraordinary and unnecessary hardships may result from strict compliance with the requirement or there are special circumstances of a particular plan; and
3) the health, safety and welfare of the public are protected.

17.2 The following requirements of this ordinance may not be waived:

1) Required land use reviews
2) Dimensional requirements
3) Fees
4) Table 9.5 requirements
5) Section 16 requirements
6) Standards applicable to any land use in a shoreland district

17.3 The reviewing authority may set conditions to any granted waiver as necessary to protect the purposes of this ordinance.

17.4 The permit for an approved land use must include a description of any granted waiver and its date of approval.

17.5 The planning board may grant a special exception to allow a one-family residential use in the RPO District, subject to compliance with the applicable standards in this ordinance, except the shoreline setback requirements in Section 14.9.7, and subject to compliance with the following conditions:

1) There is no location on the property, other than a location within the RPO District, where the residential use can be located.
2) The proposed residential use will be located on an undeveloped property, except as provided for in Section 17.5(3) below.
3) If the proposed residential use is one or more accessory structures, the structures will be located on a property that is currently developed with a one-family dwelling permitted in accordance with the requirements of Section 17.5.
4) If the proposed residential use includes a principal structure, the structure will not be a mobile home.
5) The lot on which the proposed residential use will be located was established and recorded in the Hancock County Registry of Deeds before the adoption of the Resource Protection District governing use of the property.
6) All proposed buildings, sewage disposal systems and other improvements will be on natural ground slopes of less than 20% and outside the floodway of the 100-year floodplain delineated on the Town of Bucksport Flood Insurance Rate Maps, as adopted.
7) All proposed buildings, including basements, that are located in a 100-year floodplain delineated on the Town of Bucksport Flood Insurance Rate Maps will be elevated at least one foot above the 100-year floodplain elevation and the development will be in compliance with the town's floodplain management ordinance.
8) The total ground floor area of all principal and accessory structures including any cantilevered or similar overhanging extensions, which are located in the RPO District on the property, will be limited to a maximum of 1,500 square feet. This limitation may not be altered by variance.

9) All structures, except functionally water-dependent structures, will be set back from the shoreline to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, consideration must be given to the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.
10) The reviewing authority has determined that the proposed residential use complies with conditions 1 through 9 and all other applicable standards in the ordinance, and all required permits and approvals have been issued.

SECTION 18 APPEALS

18.1 An administrative appeal may be taken to the Bucksport Board of Appeals in accordance with the requirements of the Bucksport Town Code Chapter 4, Article 6. An appeal application must be filed at the town office within 30 days from the date of the decision, action, or non-action of the Planning Board or Code Enforcement Officer that is being appealed.

18.2 A variance appeal may be taken to the Bucksport Board of Appeals in accordance with the requirements of the Bucksport Town Code Chapter 4, Article 6. When a variance is required to meet an application review requirement, an appeal application must be filed at the town office within 30 days from the date that the reviewing authority determined that a variance is required. Failure to file an appeal application within the required time period is cause for denial of the application subject to review.

18.3 In any shoreland district, a variance may only be granted from a dimensional requirement including, but not limited to, lot width, structure height, percent of lot coverage and setback requirements.

18.4 A variance may not be granted for a use that is otherwise prohibited by this ordinance, nor may a variance be granted that would modify or nullify any limitation or restriction identified in Section 9.5 Table of Land Uses.

18.5 Structures that do not comply with one or more dimensional standards may be permitted by the code enforcement officer without a variance from the board of appeals, subject to the following conditions:

1) The permit must be issued to the property owner for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling; and
2) The structures making a dwelling accessible are limited to ramps and associated railings, walls or roof systems necessary for the safety or effectiveness of the access to or egress from the dwelling for the person with the disability.

18.5.1 A copy of the permit application, and all supporting information supplied by the applicant, must be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least 20 days prior to action by the code enforcement officer. Any comments received from the Commissioner prior to the action by the code enforcement officer shall be made part of the record and shall be taken into consideration by the code enforcement officer.

18.5.2 The code enforcement officer shall state the reasons and basis for the decision, including a statement of the facts found and conclusions reached. The code enforcement officer shall cause written notice of the decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within 7 days of the decision.

18.5.3 The code enforcement officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with the disability lives in the dwelling.

18.5.4 For the purposes of section 18.5, a disability has the same meaning as a physical or mental handicap under Title 5, M.R.S.A. § 4553-A.

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SECTION 19 ENFORCEMENT

19.1 The code enforcement officer shall enforce the provisions of this ordinance and shall conduct on-site inspections to verify compliance with all applicable rules, regulations, ordinances, laws and conditions attached to permit approvals. Upon identification of a violation of any provision of this ordinance, the code enforcement officer shall notify in writing the person responsible for such violation. The notice must indicate the nature of the violation and the action necessary to correct it, including discontinuance of the illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of all such notices must be maintained as a permanent record in the code enforcement office.

19.2 When the above action does not result in the correction or abatement of the violation or nuisance condition, the municipal officers, upon notice from the code enforcement officer, shall determine the appropriate actions and proceedings that may be necessary to enforce the provisions of this ordinance in the name of the municipality.

19.3 The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without court action. Such agreements may not allow an illegal structure or use to continue, unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

19.4 Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this ordinance has caused a nuisance and must be penalized in accordance with Title 30-A M.R.S.A. § 4452.

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SECTION 20 DEFINITIONS

20.1 All words used in this ordinance, other than those specifically defined in this section, have their common meaning.
20.2 In the case of any difference of meaning or intent between the text of this ordinance and any map, illustration or table, the text controls.
20.3 The words "shall," “must” and "will" mean an action or duty is mandatory. The word "may" means an action or duty is permissive. The phrase “may not” means an action is prohibited.
20.4 Capitalized words in this section are either defined terms or synonyms to defined terms.
20.5 Words with more than one definition identify each definition with an arrow bullet. Solid circle bullets identify lists. Hollow circle bullets identify supplemental information.
20.6 Some land use definitions include examples of similar land uses, but the examples given are not intended to be all inclusive.
20.7 In this ordinance, terms and phrases are defined as follows:

ABUTTER: The owner of land that shares a common boundary or portion of a boundary with land under another ownership.

ACCESSORY STRUCTURE: A structure that is separate from and incidental and subordinate to the principal structure on the property.

ACCESSORY USE: A use of a structure or property that is incidental and subordinate to the principal use of the structure or property.

ADULT ENTERTAINMENT: Plays, performances, shows, films, or any other type of presentation that focuses on or promotes sexually-oriented subject matter or the display of nudity for the purposes of entertainment.

ADULT FAMILY CARE HOME: A type of assisted living housing where six or fewer people who meet medical eligibility requirements live in a homelike setting and receive personal care, medication management and supervision.

ADULT PRODUCT:
- Written, photographic or recorded material that focuses on or promotes sexually-oriented subject matter or the display of nudity for the purposes of entertainment.
- Devices or novelties of any kind that depict, illustrate, describe or promote sexual activities.

AGGRIEVED PARTY:
- An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this ordinance.
- Any person or group of persons that has suffered a specific injury as a result of the granting or denial of a permit or variance.

AGRICULTURE:
COMMERCIAL AGRICULTURE: A place of business that involves the raising of plants or animals used in the production of various consumer products. Business activities typically include soil cultivation, crop or livestock

management, and the activities of processing and marketing. COMMERCIAL AGRICULTURE also includes the breeding and raising of animals for sale. Manure from livestock on the premises may be processed and sold for compost.

HOMESTEAD AGRICULTURE: A property utilized for the production of products from plants or animals primarily for consumption or use by the occupants. Production activities typically include soil cultivation, crop or livestock management and the activities of processing. A seasonal roadside stand may be included to sell or offer excess product to the public. Manure from livestock on the premises may be processed and sold for compost.

- Agriculture does not include forest management and timber harvesting activities.

ALTERNATIVE TREATMENT OFFICE: A place of business that offers non-traditional health care services such as acupuncture, aromatherapy, homeopathy, herbology, holistic and massage therapy practices.

ANCILLARY MEDICAL SERVICE: A place of business that offers medical support services outside a hospital or clinical setting.

HEARING & SPEECH SERVICE
MAGNETIC RESONANCE IMAGING (MRI) SERVICE
MEDICAL LABORATORY
OPTICIAN
OCCUPATIONAL THERAPIST
ORTHOTICS & PROSTHETICS
PRIVATE AMBULANCE SERVICE

ANIMAL HUSBANDRY: Controlled breeding, management, and production of domestic animals, including but not limited to, sheep, cows, horses, pigs, poultry, and rabbits.

ANIMAL IMPOUNDMENT: A public facility or a place of business that offers temporary housing of stray or abandoned animals.

ANIMAL SHELTER

ANTENNA: A device designed for telephonic, radio, or television communication through the transmission of electromagnetic waves.

SATELLITE DISH

- Telecommunication towers are not considered to be antennas for the purposes of this ordinance.

APPLICANT: A person applying for a permit who demonstrates legal standing as property owner or authorized agent by means of deed, purchase and sale agreement, written consent or the like.

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

ARCADE: A place of business that offers table sports, pinball machines, video games or similar mechanical or electronic games for the amusement or recreation of the public.

AUCTION HOUSE: A place of business where items of merchandise are displayed and sold by bid.

AUTHORIZED AGENT:

- A person representing an applicant during review of their application with their written consent.
- A person applying for and receiving a permit on behalf of a property owner with their written consent.
- A tenant or lessee applying for and receiving a permit in their own behalf with written consent of the property owner.

AUTOMOBILE GRAVEYARD: A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in 29-A M.R.S.A.§101(42), or parts of the vehicles.

- Automobile graveyard does not include:
- An area used for temporary storage by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of receipt;
- An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in 29-A M.R.S.A. §101. The hobbyist's activities must comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this Ordinance regarding the storage of vehicles or vehicle parts that are collected by a hobbyist. An automobile hobbyist is a person who is not primarily engaged in the business of selling any of the above vehicle or parts from those vehicles;
- An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;
- An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under 29-A M.R.S.A. chapter 5;
- An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in 29-A M.R.S.A. §851;
- An area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in 29-A M.R.S.A. § 851;
- An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or
- An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in 29-A M.R.S.A. §101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. An area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area is not exempt.

AUTOMOBILE RECYCLING FACILITY: The business premises of a dealer or a recycler licensed under 29-A M.R.S.A. §§851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, as long as 80% of the business premises specified in the site plan is used for automobile recycling operations.

- Automobile recycling facility does not include:
- Financial institutions as defined in 9-B M.R.S.A. §131, 17 M.R.S.A. and 17-A M.R.S.A.;
- Insurance companies licensed to do business in the state;
- New vehicle dealers, as defined in 29-A M.R.S.A. §851, licensed to do business in the state; or
- That portion of the business premises that is used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered to be temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business.

AUTOMOBILE REPAIR GARAGE: See VEHICLE SERVICES-CLASS 2.

BASAL AREA: The area of the cross-section of a tree stem including bark, as measured at 4 1/2 feet above ground level.

BASAL AREA, RESIDUAL: The average of the basal area of trees remaining on a harvested site.

BASEMENT: Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

BOAT LAUNCHING FACILITY: A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area and parking spaces for vehicles and trailers.

BED & BREAKFAST INN: See HOME-BASED LODGING.

BUFFER: An area of land with naturally-occurring or intentionally installed or constructed features that minimize a detrimental impact of a land use on adjacent properties or on natural resources.

BUILDING: A principal or accessory structure consisting of floor, wall and roof features designed to form one or more sheltered rooms or spaces for use or occupancy. The structure may be prefabricated or constructed on site.

BULK FUEL/CHEMICAL STORAGE FACILITY: An INDUSTRY category land use comprised of one or more permanently installed large volume storage tanks with secondary containment protection. The tanks are used to store fuel or chemicals awaiting bulk transport from the site. The use also includes structures for loading and unloading of transport vehicles, administrative offices and related site development features.

BUNKHOUSE: A detached structure occupied as a sleeping space only.
- A bunkhouse does not contain internal plumbing.

BUSINESS OFFICE: A place of business where record-keeping, deskwork, clerical or executive functions or similar activities are conducted and which may or may not include direct contact with the public.

ACCOUNTANT OFFICE
ADVERTISING AGENCY
ARCHITECT/ENGINEER OFFICE
ATTORNEY OFFICE
COLLECTION AGENCY
COMMUNITY & CHARITABLE SERVICE OFFICE
EMPLOYMENT AGENCY
GOVERNMENTAL OFFICE
INSURANCE OFFICE
MORTGAGE FINANCE OFFICE
PAYROLL SERVICE OFFICE
REAL ESTATE/APPRAISERS OFFICE
TRAVEL AGENT OFFICE

CABIN: A building consisting of one or more rooms that contain sleeping and living space. A kitchenette may be included.
- A cabin does not contain bathroom facilities.

CAMPGROUND: A place of business that offers at least two spaces for the traveling or vacationing public or private members to park a recreational vehicle or camper, occupy a cabin or erect a tent for temporary overnight accommodations. Water and sewer service may be provided to each camping site. Bathrooms and recreational

activities may be provided in a separate structure.
SUMMER CAMP

CEMETERY: A place or ground set apart for the burial of the dead.

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

CEO: The abbreviation used in this ordinance for code enforcement officer.

CHANGE OF USE: The replacement of a land use with another land use from the same or different land use category, as identified in Section 8.

- A change of ownership of an existing land use is not a change of use.
- A change of a commercial or noncommercial identifying name of an existing land use is not a change of use.

CHURCH: See PLACE OF WORSHIP.

CLINICIAN OFFICE: A place of business that offers medical diagnosis and treatment by a licensed health professional other than a veterinarian.

AUDIOLOGIST OFFICE
CHIROPRACTOR OFFICE
DENTIST OFFICE
OPTOMETRIST OFFICE
PHYSICIAN OFFICE
PSYCHIATRIST OFFICE
PSYCHOLOGIST OFFICE

COMMERCIAL UNIT: An area within a building that is occupied seasonally or year-round as a business by the building owner or tenant

COMMERCIAL USE: The use of land, buildings or structures for the purpose of producing income from the buying and selling of goods or services.

- Commercial use does not include rentals of residential dwelling units, except for recreational lodging.

COMMUNICATION FACILITY: An INDUSTRY category land use comprised of structures that transmit or receive electronic signals to convey information by voice, text, video or other electronic methods. The use may include transmission towers, antennas, satellite dishes and related equipment, studios and offices and related site development features.

TELEVISION/RADIO BROADCAST STATION
WIRELESS COMMUNICATION FACILITY

COMPACT AREA: An area that includes any lot located within 200 feet of a public sewer service or public water service.

COMPLETE APPLICATION: An application which the appropriate reviewing authority has determined to contain all required and requested information, except any information that has been waived or otherwise excluded from review as allowed.

CONSTRUCTION TRADES SERVICE: A place of business that offers off-site licensed or skilled services in the building construction industry, including but not limited to the following specific trades:

ACOUSTICAL	HVAC
ALARM	INSULATION
CARPENTER	MASONRY
DRYWALL	PAINTING/PAPERING
ELECTRICAL	PAVING
FENCING	PLUMBING
FIRE ALARM	PUMPS
FLOORING	ROOFING
FOUNDATION	SPRINKLER
GENERAL CONTRACTOR	WINDOWS/SIDING

DAYCARE CENTER: A facility in which more than 12 clients receive care, maintenance and supervision by other than their relative or legal guardian for less than 24 hours per day and without an overnight stay.

DAYCARE HOME: A facility in which more than 3, but not more than 12 clients receive care, maintenance and supervision by other than their relative or legal guardian for less than 24 hours per day and without an overnight stay. The facility is generally located within a dwelling unit.

DEP: The abbreviation used in this ordinance for the Maine Department of Environmental Protection.

DEVELOPMENT:
- An intentional improvement or change involving alteration of land or vegetation.
- The addition or alteration of structures or other construction not naturally occurring.

(See also LAND USE)

DIMENSIONAL STANDARD: A numerical datum identifying a spatial relationship including, but not limited to:
- minimum structure setback from water bodies, tributary streams, wetlands, property lines, other structures and rights of way (expressed in feet),
- maximum structure height (expressed in feet),
- minimum lot area (expressed in square feet or acres),
- minimum lot street frontage (expressed in feet),
- maximum lot coverage (expressed in percent of total lot area) and
- minimum lot shore frontage (expressed in feet).

DISABILITY:
- Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness.
- Any physical or mental condition of a person that constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist.
- Any health or sensory impairment that requires special education, vocational rehabilitation or related services.

DORMITORY: A building containing living quarters for students. The living quarters are arranged as groups of bedrooms that share a common bathroom. The building may also contain one or more rooms for student social or study activities and a kitchen and dining room for communal dining.

DRIVEWAY: A gravel, paved or otherwise prepared surface providing vehicular access to a property from a public or private road.

- A driveway for a one or two-family dwelling includes parking and maneuvering spaces.

DWELLING UNIT: An area within a building that is occupied temporarily, seasonally or year-round as a residence by one person who may be an owner, renter or tenant, or by more than one person living as a family, co-owners, co-renters or co-tenants. The area contains cooking, sleeping and living space and bathing and toilet facilities, all for exclusive use by one family at a time. (See also RECREATIONAL LODGING)

DWELLING, MULTI-FAMILY: A structure containing 3 or more dwelling units and no other use. The structure may be constructed on site or may be manufactured housing.

DWELLING, ONE-FAMILY: A structure containing one dwelling unit and no other use, except a home-based business as allowed. The structure may be constructed on site or may be manufactured housing.

DWELLING, ONE & ½-FAMILY: A one-family dwelling that is also occupied with a small dwelling unit occupying no more than 30% of the total floor area of the dwelling, with a maximum size of 600 square feet. The dwelling unit may or may not have a separate entrance.

DWELLING, TWO-FAMILY: A structure containing 2 dwelling units and no other use, except a home-based business as allowed. The structure may be constructed on site or may be manufactured housing.

EMERGENCY OPERATIONS: Operations conducted for the public health, safety or general welfare, such as operations necessary to protect natural resources or public or private property from immediate damage, destruction or loss, operations necessary for law enforcement and operations to rescue human beings or animals from the threat of destruction, injury or loss of life.

ENTERTAINMENT ESTABLISHMENT:

- A place of business where the public gathers as an audience for plays, performances, shows, films, or any other type of theatrical presentation.

- A building or property where the public gathers for dancing and social activities.

AUDITORIUM
DANCE HALL
THEATER

ESSENTIAL SERVICES: See UTILITY TRANSPORT SYSTEM, UTILITY SERVICE CONNECTION

EXPANSION OF A STRUCTURE: An increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses. A vertical addition to a structure to increase habitable space.

EXPANSION OF A LAND USE: The addition of one or more months to a use's operating season or the use of more floor area or footprint, or ground area devoted to a particular use.

FABRIC-COVERED SHELTER: A structure constructed with a lightweight metal or wood frame enclosed with a flexible vinyl, canvas or plastic cover. The structure is typically installed on a gravel pad or the existing ground and is designed to allow disassembly and relocation. The shelter is used as an accessory structure to provide storage, cover for a vehicle or boat, or for use as a greenhouse. (See also FABRIC-COVERED

STRUCTURE.)

FABRIC-COVERED STRUCTURE: An engineered structure that consists of a fabric covering supported either by a frame or pressurized air. The structure is installed on a foundation and is intended for occupancy by a commercial or noncommercial use. (See also FABRIC-COVERED SHELTER.)

FACTORY: An INDUSTRY category land use comprised of manually-operated or automated equipment, tools and machinery used to mass-produce a finished product intended for immediate use or consumption, or to mass-produce a component product used in the manufacturing, assembling, constructing, fabricating, formulating, processing or other production of a finished product. An INDUSTRY category factory typically runs continuously producing one or more specific products, but may also include custom orders. The use includes structures, buildings and related site improvements
(See also MANUFACTURING FACILITY, MILL, REFINERY)

FAMILY: One or more persons occupying a dwelling and living as a single housekeeping unit.

FEMA: The abbreviation used in this ordinance for Federal Emergency Management Agency.

FINANCIAL INSTITUTION: A place of business that makes loans and provides investment, checking and savings account services.
BANK
CREDIT UNION

FILLING AND MOVING OF EARTH: An activity involving the intentional removal, depositing, or relocation of soil or mineral material on a property for the purposes of site improvements.
(See also MINERAL EXTRACTION)
EXCAVATIONS
LANDSCAPING
RETAINING WALLS
RIP-RAP

FLOODWAY: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

FLOOR AREA:
- The horizontal floor surfaces of a structure enclosed by exterior walls, including the area under interior and exterior walls.
- The horizontal floor surfaces of unenclosed portions of a structure, such as lean-tos, porches and decks.
- The horizontal floor surfaces in any basement used for living space.
- The surfaces of stairway treads or stairway landings 16 sq. ft. or less are not considered to be floor area.

FOOTPRINT: The entire area of ground covered by the structure(s) on a lot, including but not limited to: cantilevered or similar overhanging extensions, as well as unenclosed structures such as patios and decks.

FOUNDATION: The supporting substructure of a building or other structure, including:
- basement walls,

- slabs,
- frostwalls, or
- other bases consisting of concrete, block, brick or similar material.
- o Wooden sills and post supports are not considered to be foundations.

FREIGHT TERMINAL: An INDUSTRY category land use comprised of structures, buildings and site development features designed to accommodate the loading and unloading of large transport vehicles such as tractor trailers and delivery trucks, for the purposes of transferring goods between vehicles for further transport or delivery. The use may include areas for temporary storage of goods awaiting transport, administrative offices and related activities.

FUNCTIONALLY WATER-DEPENDENT USE: Any use that must be located on submerged lands for its primary purpose, or any use that requires direct access to, or location in coastal or inland waters and which cannot be located away from these waters. Uses include, but are not limited to:

- commercial and recreational fishing and boating facilities,
- finfish and shellfish processing,
- fish-related storage and marketing facilities,
- waterfront dock and port facilities,
- shipyards,
- boat building facilities,
- marinas,
- navigation aids,
- basins and channels,
- shoreline structures necessary for erosion control purposes,
- industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and
- uses that primarily provide general public access to coastal or inland waters.

(See also ZERO SETBACK SHORELINE STRUCTURE)

- o A recreational boat storage building is not a functionally water-dependent use.

FUNERAL HOME: A place of business where the dead are prepared for burial or cremation and where wakes and funerals may be held.

GREAT POND:

- ➢ Any inland body of water that has a surface area in excess of 10 acres in its natural state.
- ➢ Any inland body of water artificially formed or increased that has a surface area in excess of 30 acres, except where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

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

HAZARD TREE: A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of

environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

HAZARDOUS WASTE: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, which are designated as hazardous by the Maine Department of Environmental Protection.

HEIGHT OF A STRUCTURE: The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances with no floor area.

HOME-BASED HEALTH CARE SERVICE: A place of business in a dwelling or a residential accessory building where clinicians, counselors or alternative treatment providers offer their services to the public.

- A home-based health care business is incidental and secondary to the residential use of the property, is operated by a family member residing in the dwelling and employs no more than 2 employees who may be other than family members residing in the dwelling.

HOME-BASED LODGING:

- A dwelling or a residential accessory building where sleeping accommodations without meals are provided for at least 4 and no more than 16 persons for a fee.
- A dwelling where sleeping accommodations and breakfast are provided for at least 4 and no more than 16 persons for a fee. A bed & breakfast inn.
  - A home-based lodging business is incidental and secondary to the residential use of the property. It is operated by a family member residing in the dwelling and employs no more than 2 employees who may be other than family members residing in the dwelling.

HOME-BASED MERCHANT: A place of business in a dwelling or a residential accessory building that displays and sells merchandise, which customers may directly select and purchase or order for pick-up or delivery.

- A home-based merchant business is incidental and secondary to the residential use of the property. It is operated by a family member residing in the dwelling and employs no more than 2 employees who may be other than family members residing in the dwelling.

HOME-BASED PRODUCTION: A place of business in a dwelling or a residential accessory building where a product is manufactured, assembled, constructed, fabricated, formulated, processed or otherwise produced utilizing raw materials, parts or ingredients generally obtained from outside sources, but some may be produced on site. Limited on-site display and sale of the product may be included.

- A home-based production business is incidental and secondary to the residential use of the property. It is operated by a family member residing in the dwelling and employs no more than 2 employees who may be other than family members residing in the dwelling.

HOME-BASED PROFESSION: A place of business in a dwelling or a residential accessory building where record-keeping, deskwork, clerical or executive functions or similar activities are conducted and which may or may not include direct contact with the public.

- A home-based profession business is incidental and secondary to the residential use of the property. It is operated by a family member residing in the dwelling and employs no more than 2 employees who may be other than family members residing in the dwelling.

HOME-BASED TRADE: A place of business in a dwelling or a residential accessory building where a learned or licensed skill or a specialized service is conducted and which may or may not include direct contact with the public.

- A home-based trade business is incidental and secondary to the residential use of the property. It is operated by a family member residing in the dwelling and employs no more than 2 employees who may be other than family members residing in the dwelling.

HOME VEHICLE SERVICE: Routine maintenance and repairs performed on a motorized vehicle by the vehicle's owner at their place of residence.

HOSPITAL: An institution that primarily provides in-patient medical, surgical, or psychiatric care and treatment for the sick or the injured. The institution may also provide related services such as laboratories, out-patient departments, training facilities, central services facilities and staff offices.

HOTEL: A place of business that provides sleeping rooms for more than 16 people and usually meals and other services for travelers and other paying guests.

HUT: A small building intended for day use as a retreat, for recreational use or a place of refuge and relief from the elements.

- A hut does not include sleeping and internal plumbing accommodations

INCREASE IN NONCONFORMITY OF A STRUCTURE:

- A change in a structure or property that causes a nonconforming dimension to become more nonconforming to a required dimensional standard.
- A property change or structure expansion that increases the setback nonconformity of an existing structure.
  - An expansion that in-fills an irregularly shaped structure or is a lateral expansion to a structure is not considered to increase the setback nonconformity, provided that the setback of the expanded structure will be no less than that portion of the existing structure with the greatest nonconformity to the minimum setback requirement.

INCREASE IN NONCONFORMITY OF A USE: Any change in a feature of a nonconforming use of a structure or property that causes the use to become more nonconforming to a required standard.

INDEPENDENT HOUSING WITH SERVICES: A type of assisted living housing that includes private apartments, central dining and supportive services for the occupants.

INDIVIDUAL PRIVATE CAMPSITE: An area of land not associated with a campground that is developed for repeated camping by only one group not to exceed 10 individuals and which involves site improvements such as a gravel pad, parking area, fireplace, or tent platform.

INTRASTATE/INTERSTATE PIPELINE: An INDUSTRY land use comprised of below or above-ground structures for the intrastate or interstate transport of gases or liquids. The use includes pipelines and may also

include structures for pumping and maintenance of the pipeline installation.
(See also UTILITY TRANSPORT SYSTEM)

INTRASTATE/INTERSTATE TRANSMISSION LINE: An INDUSTRY land use comprised of above or below ground structures for the intrastate or interstate transport of electricity or electronic information or signals. The use includes poles and cable supports, transmission wiring, substations and related equipment installations
(See also UTILITY TRANSPORT SYSTEM)

JUNKYARD: A yard, field or other outside area used to store, dismantle or otherwise handle:

- Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances, or furniture;
- Discarded, scrap and junked lumber; and
- Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

(See also SALVAGE YARD)

KENNEL:

- A place of business where dogs, cats or other pets are boarded.
- A place of business where dogs are bred or trained.

LAND USE:

- A construction, installation, alteration or expansion of a structure.
- A use or change of use of a structure or property.
- An improvement or development of a property.
- An occupancy of a structure or property.

LARGE PRODUCT DEALER: A place of business offering for sale or lease prefabricated structures or motorized products that typically require storage and display out-of-doors due to size or quantity. Repair services may be included.
BOAT DEALER
EARTHWORK EQUIPMENT DEALER
HEAVY EQUIPMENT DEALER
MANUFACTURED HOUSING DEALER
MOTOR VEHICLE DEALER
RECREATIONAL VEHICLE DEALER

LOT: An area, plot, or parcel of land with ascertainable boundaries established by deed or instrument of record. A front lot contains frontage on a street. A rear lot also contains frontage on a street, but the majority of the lot is located behind a front lot. The portion of the lot that fronts on a street is relatively narrow in comparison to the main portion of the lot located to the rear. On a map, the narrow and main portions of the lot often resemble a flag on a pole. These lots are commonly referred to as “flag lots.”

LOT AREA: The area of land enclosed within the boundary lines of a lot.

LOT AREA COVERAGE: That portion of the lot area covered by buildings or non-vegetated surfaces composed of mineral, concrete, brick, asphalt or other low-permeability materials.

LOT, CONTIGUOUS: A lot or parcel of land that shares a boundary line with another lot or parcel of land in

the same ownership.

LOT LINE: A linear boundary of a parcel of land as may be described in a survey or deed.

- Front: The property boundary adjacent to a street right-of-way. Each property line of a corner lot bordering a street is considered a front lot line.
- Rear: The lot line opposite a front lot line.
- Side: Any lot line other than a front lot line or rear lot line.

LOT OF RECORD: A legally-created parcel of land described in a deed or other document or plan that is recorded at the Hancock County Registry of Deeds.

LOT OF RECORD, NONCONFORMING: A legally-created parcel of land described in a deed or other document recorded at the Hancock County Registry of Deeds and which existed on the effective date of an ordinance establishing a minimum land area, lot width or frontage dimensional requirement that the parcel of land cannot meet.

LUMBERYARD: A place of business that sells lumber and other building products from a yard and buildings designed for product storage and customer transactions.

MANUFACTURED HOUSING: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. Two types of manufactured housing are included. Those two types are:

1) Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.
   - This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and
2) Those units commonly called "modular homes" that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

MANUFACTURING FACILITY: A PRODUCTION category factory, mill or refinery. Products are manufactured primarily based on customer orders, but may also include production for sales, inventory or design purposes. A PRODUCTION level manufacturing facility does not typically have continuously operated production. The use includes structures, buildings and related site improvements. Limited on-site display and sale of products may be included.
(See also FACTORY, HOME-BASED PRODUCTION, MILL, REFINERY)

MARINA: A place of business having frontage on navigable water that offers offshore moorings or docking facilities for boats and may also offer accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

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

MEDICAL MARIJUANA DISPENSARY: A store that provides medical marijuana and related products to the public in accordance with State law.

MEDICAL MARIJUANA GROWING FACILITY: A building and related site improvements where medical marijuana is grown, stored and processed to prepare products to be dispensed in a medical marijuana dispensary.

MEETING FACILITY: A place where people assemble as groups for social activities, business conferences, public meetings or similar activities.
BANQUET FACILITY
CLUB
CONFERENCE FACILITY
CONVENTION CENTER
GRANGE HALL

METALLIC MINERAL MINING: Any activity or process that is for the purpose of extraction or removal of metallic minerals, and which includes processes used in the separation or extraction of metallic minerals from other minerals including, but not limited to, crushing, grinding, beneficiation by concentration (gravity, flotation, amalgamation, electrostatic or magnetic), cyanidation, leaching, crystallization, or precipitation, mine waste handling and disposal, and the processes substantially equivalent, necessary, or incidental to any of the foregoing.

- METALLIC MINERAL MINING does not include:
  1. Exploration activities including boring, drilling, hand sampling, test pits 100 square feet or less, or other test sampling methods which cause minimal disturbance of soil and vegetative cover.
  2. Advanced exploration activities including bulk sampling of metallic mineral deposits or any exploration activities that exceed exploration activities described in #1.
  3. Thermal or electric smelting.

MILL: An INDUSTRY category land use comprised of manually-operated or automated equipment, tools and machinery used to mass-produce a base material product that is used by others to manufacture, assemble, construct, fabricate, formulate, process or otherwise produce a component product or a finished product. The base material product is shipped in a bulk form such as sheets, rolls, bundles, lifts, cords, barrels, tanks or other containers. An INDUSTRY category mill typically runs continuously producing one or more specific products, but may also include custom orders. The use includes structures, buildings and related site improvements.
(See also FACTORY, MANUFACTURING FACILITY, REFINERY)

MINERAL EXPLORATION: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources.

MINERAL EXTRACTION: The excavation of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like

material from its natural location for use either in its natural state, or after processing. The excavation of material may involve drilling, blasting, digging, cutting, or other methods to release the material from its natural location. Processing of material may involve crushing, screening, washing or mixing, and temporary on-site storage. The operation may include buildings to house vehicles, employees, fuel storage tanks, pumps, generators and other equipment, access roads, water treatment facilities, buffers, screening, and erosion control features. Excavated material is transported from the site by vehicle, rail, or other means of conveyance. A mineral extraction may be conducted as a commercial or noncommercial operation.
GRAVEL PIT
ROCK EXCAVATION (ALSO KNOWN AS A QUARRY)

- MINERAL EXTRACTION does not include:
  1. Any on-site excavation required to install, repair, replace, or expand a foundation or any other sub-grade structure.
  2. An excavation of not more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location in any 12 month period, where the operation is conducted by the property owner and the excavated material is for the owner's personal use.
  3. Any on-site excavation that is incidental to a landscaping improvement.
  4. Any on-site excavation that is incidental to the construction, repair, alteration, or maintenance of a public or private road or a driveway.
  5. Any on-site excavation required to construct a pond or reservoir.
  6. Any on-site excavation required to construct a well.
  7. Exploration activities including boring, drilling, hand sampling, test pits 100 square feet or less, or other test sampling methods which cause minimal disturbance of soil and vegetative cover.
  8. Metallic mineral mining.

MINIMUM LOT WIDTH: The closest distance between the side lot lines of a lot.

MOBILE HOME: See MANUFACTURED HOUSING.

MOBILE HOME PARK: A parcel of land under unified ownership approved by the municipality for the placement of 3 or more mobile homes.

MODULAR HOME: See MANUFACTURED HOUSING.

MOTEL: A place of business that provides lodging for more than 16 people. Each sleeping room has a door that provides direct access at ground level or via a stairway to an on-site parking area.
MOTOR COURT
MOTOR LODGE

MOTORCYCLE SERVICE GARAGE: A place of business that offers parts, repairs and maintenance for motorcycles, motor bikes or motor scooters

MULTIPLE OCCUPANCY: The existence of two or more land uses in common to a property or structure.
- Accessory land uses are not included when identifying the existence of a multiple occupancy.

NATIVE: Indigenous to the local forests.

NONCOMMERCIAL USE: The use of land, buildings or structures for a governmental, municipal, not-for-profit, charitable, religious or other tax-exempt use.

- NONCOMMERCIAL USE does not include rentals of residential dwelling units.

NONCONFORMING CONDITION: A nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this ordinance or subsequent amendment took effect.

NONCONFORMING LOT: See LOT OF RECORD, NONCONFORMING.

NONCONFORMING STRUCTURE: A structure in lawful existence on the effective date of an ordinance that causes such structure to become non-compliant with a dimensional standard such as minimum setback, maximum lot coverage or maximum height.

NONCONFORMING USE: A land use in lawful existence on the effective date of an ordinance that prohibits or otherwise restricts such use.

NON-NATIVE INVASIVE SPECIES OF VEGETATION: Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

NORMAL HIGH-WATER LINE:

- Adjacent to non-tidal waters, the line that distinguishes between predominantly aquatic and predominantly terrestrial land, identified by visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation.
- Adjacent to tidal waters, the upland edge of the coastal wetland.
- Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

(See also SHORELINE)

NUDITY: Unclothed, uncovered or exposed to the extent that human genitals, pubic area or buttocks, or the nipple and/or areola of the female breast may be seen by the public either in full view or through a less than fully opaque covering, as part of a live entertainment activity conducted on any premises subject to licensing or permitting.

OFFICE TRAILER: A manufactured structure designed for use as a temporary field office. The structure may be transported by the use of its own chassis or an independent chassis.

- OFFICE TRAILER does not include manufactured structures designed for housing.

OFF-SITE SERVICE BUSINESS: A place of business that offers a learned or licensed skill or a specialized service where the skill or service performed takes place primarily at another location.

CONSTRUCTION TRADES SERVICE
CATERING SERVICE
EXTERMINATING SERVICE
GARBAGE REMOVAL/TRUCKING SERVICE
GLASS INSTALLATION SERVICE
GUIDE/TOUR SERVICE
HOME HEALTH CARE SERVICE
LIMOUSINE/TAXI SERVICE
LOCKSMITH SERVICE
MOVING SERVICE
OIL/PROPANE DELIVERY SERVICE
PEDICABS
SEPTIC WASTE DISPOSAL SERVICE
SIGN INSTALLATION SERVICE

JANITORIAL/HOUSE CLEANING SERVICE
LANDSCAPING/GROUNDKEEPING SERVICE
TOWING SERVICE
TREE SERVICE
WELL DRILLING SERVICE

ON-SITE SERVICE BUSINESS: A place of business that offers a learned or licensed skill or a specialized service that takes place primarily at the business location. (See also HOME-BASED TRADE)

APPLIANCE REPAIR SHOP
BOTTLE RECYCLING FACILITY
CANVAS/UPHOLSTERY REPAIR SHOP
DRYCLEANING/LAUNDRY
ELECTRONICS REPAIR SHOP
FURNITURE RESTORATION SERVICE
GENERAL REPAIR SHOP
GUNSMITH
MACHINE SHOP
MOTORCYCLE SERVICE GARAGE
PACKING/PARCEL SHIPPING SERVICE
PICTURE FRAMING SHOP
PHOTOGRAPHY STUDIO
PHOTO PROCESSING SERVICE
PRINTING/COPY/PUBLISHING SERVICE
SMALL ENGINE SERVICE GARAGE
STORAGE/SELF-STORAGE FACILITY
TAILOR/SEAMSTRESS SERVICE
WELDING SERVICE

OUTDOOR FESTIVAL: An organized public event of short duration that includes a combination of activities that may include entertainment, food, games, amusement rides, races, fireworks or other celebratory activities and which takes place in a defined area primarily in the out-of-doors.

FAIR

OUTDOOR MARKET: A place of business located in a defined area out-of-doors and which offers a variety of new or used merchandise for sale to the public, usually from more than one vendor. The use may include temporary or permanent roofed structures for weather protection.

FLEA MARKET
FARMERS' MARKET
OPEN AIR MARKET

OUTDOOR RECREATION: A residential accessory use of property for play, exercise, sport activities, relaxation or for enjoyment of the environment. The use may involve minimal structural development. Outdoor recreation is not conducted as a business activity and is a use that is not intended for, nor accessible to the public.

INDIVIDUAL PRIVATE CAMPSITE
FLOAT
HUNTING/FISHING
PLAY EQUIPMENT/STRUCTURE
PLAY FIELD/COURT
POND/FOUNTAIN
RECREATIONAL VEHICLE PARKING/HOOK-UP
RECREATIONAL TRAIL
SAUNA
SWIMMING POOL
WHIRLPOOL/HOT TUB

OUTDOOR VENDOR: A person or business that displays and sells their product at a temporary fixed location, often adjacent to a public way.

FLOWER VENDOR
FOOD VENDOR
PRODUCE VENDOR
SEAFOOD VENDOR

OUTLET STREAM: Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

OUT-PATIENT CLINIC: A place of business offering medical or psychiatric care to patients who do not

require an overnight stay.

PARKING FACILITY: A structure or portion of a structure designated for the parking of motorized vehicles under cover. PARKING FACILITY does not include residential garages.
PARKING GARAGE

PARKING LOT: An area of land designated for the parking of motorized vehicles out-of-doors. Such areas are developed with gravel, concrete, asphalt or other impervious surfaces and are accessed by one or more entrances from a public or private street.

- Parking spaces serving a one-family, one & 1/2-family or two-family dwelling are not considered to be a parking lot.

PARKING SPACE: An area of land designated for the parking of a motor vehicle. A parking space may be located in a parking lot, a parking facility or a driveway. A parking space may also be located adjacent to a public or private street or located within a public or private right of way, where allowed.

PERSON:

- An individual, or two or more individuals having a joint or common interest.
- A trust, estate, partnership, association, corporation, governmental agency, municipality, or other legal entity

PERSONAL CARE SERVICE: A place of business that offers the cosmetic treatment of hair, skin or nails, artificial skin tanning, or designs and markings on the skin.

BARBER SHOP
BEAUTY SALON
COSMETOLOGIST OFFICE
ELECTROLOGIST OFFICE
SPA
TANNING SALON
TATTOO/BODY PIERCING SHOP

PET SHELTER: A residential accessory structure intended to provide seasonal or year round protection from the elements for any animal kept as a pet by the property owner or occupant.

PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BELOW THE NORMAL HIGH-WATER LINE OF A WATER BODY OR WITHIN A WETLAND: See ZERO SETBACK SHORELINE STRUCTURE.

PLACE OF WORSHIP: A place where a congregation assembles on a regular basis for prayer or religious services and related activities. The use may include fund-raising or social events such as public suppers, craft fairs, musical performances or club meetings.

POWER GENERATING FACILITY: An INDUSTRY category land use comprised of manually-operated or automated equipment and machinery used to produce electricity for intrastate or interstate transmission or for local transmission. A power generating facility typically runs continuously and includes structures, buildings and related site improvements. (See also WIND TURBINE FACILITY)

PRINCIPAL RESIDENCE: A dwelling unit that is intended to be occupied for at least 7 months in any calendar year. Evidence of use as a principal residence includes, but is not limited to, the listing of that residence as an occupant's legal residence for the purpose of voting, filing a State tax return, or automobile registration, or occupancy of that dwelling for a period of at least 7 months in any calendar year.
DOMICILE

PRINCIPAL STRUCTURE: A building or structure that is used for purposes that are not wholly incidental or accessory to the use of another building or use on the same premises.

- An attached deck, porch or garage is considered part of a principal structure.

PRINCIPAL USE: A use other than one which is wholly incidental or accessory to another use on the same premises.

PRODUCT DISTRIBUTION FACILITY: An INDUSTRY category land use comprised of structures, buildings and site development features designed to accommodate the loading and unloading of large transport vehicles such as tractor trailers and delivery trucks, and to accommodate the storage of product inventory to be delivered or shipped to dealers or customers as ordered. The use may include areas for administrative offices and related activities.

PROTECTED LOCATION: Any location, accessible by foot, on a parcel of land containing a residence or planned residence or approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the development site at the time an application is submitted; or any location within a locally-designated passive recreation area.

This term does not include buildings and structures used for seasonal purposes, and which are located on leased camp lots owned by the applicant.

For purposes of this definition, a residence is considered planned when the owner of the parcel of land on which the residence is to be located has received all applicable building and land use permits and the time for beginning construction under such permits has not expired. A residential subdivision is considered approved when the developer has received all applicable land use permits for the subdivision and the time for beginning construction under such permits has not expired.

PUBLIC BUILDING: A structure, owned, leased, or otherwise operated or funded by a government body or public entity.

PUBLIC DRINKING WATER SUPPLY: A well that provides water for human consumption and serves 15 service connections (e.g. homes, housing units, etc.), serves an average of at least 25 individuals daily 60 days of the year or more, or bottles water for sale.

PUBLIC INFORMATION CENTER: A structure that provides a compilation of local area information to the public via printed handouts, publications for purchase, signage, recorded message or direct contact with on-premise staff.

PUBLIC RECREATION: A public outdoor activity involving exercise, play, repose, camping or the enjoyment of scenic or natural features. Minimal structural development may be included.
PUBLIC CAMPSITE
PUBLIC PICNIC AREA
PUBLIC PLAYGROUND
PUBLIC PARK
PUBLIC TRAIL
PUBLIC WALKWAY

PUBLIC SAFETY FACILITY: A property or building occupied with administrative offices, equipment storage

or related activities for fire, police, ambulance or emergency dispatch services.

PUBLIC TRANSPORTATION FACILITY: A property or building occupied with administrative offices, equipment storage, passenger loading and disembarking sites or related activities for any form of transportation for the public.
BUS TERMINALS
RAILROAD STATIONS
TAXI BUSINESSES

PUBLIC WORKS FACILITY: A property or building occupied with administrative offices, equipment storage or activities related to the installation, maintenance or repair of public roads and infrastructure.
PUBLIC WORKS EQUIPMENT STORAGE FACILITY
PUBLIC WORKS SAND/SALT STORAGE FACILITY
TOWN GARAGE

RAIL TRANSPORTATION FACILITY: An INDUSTRY category land use comprised of structures, buildings and site development features designed to accommodate the loading and unloading of passengers or freight transported by railroad.

RECREATIONAL FACILITY (INDOOR): A commercial or a noncommercial facility where games, exercise or sport activities are offered to the public or a membership. The use takes place primarily indoors and may also accommodate spectators. A noncommercial facility may or may not require a spectator or participant fee. Related merchandise sales or rentals may be an incidental activity.
ARCADE
BILLIARD ROOM
BOWLING FACILITY
CASINO
EXERCISE/TRAINING FACILITY
HEALTH CLUB
SPA/SAUNA
SWIMMING FACILITY
GYMNASIUM
SPORTS ARENA

RECREATIONAL FACILITY (OUTDOOR): A commercial or a noncommercial facility where a recreational, sporting or amusement activity is offered to the public or a membership. The use takes place primarily out-of-doors and may also involve buildings or other structures. A noncommercial facility may or may not require a spectator or participant fee. Related merchandise sales or rentals may be an incidental activity.
AMUSEMENT PARK
GOLF CLUB
ICE SKATING RINK
NORDIC SKI FACILITY
PAINTBALL FIELD
PLAY FIELD/COURT
RACE TRACK
RECREATIONAL TRAIL
SPORT SHOOTING RANGE
SWIMMING FACILITY
WATER SPORT

RECREATIONAL LODGING: A dwelling or dwelling unit that is advertised or otherwise offered to the public for temporary housing for a fee, where such use of the dwelling or dwelling unit does not establish a landlord and tenant relationship between the owner or property manager and the temporary occupants.
SEASONAL RENTALS
TIME-SHARES
VACATION HOMES

RECREATIONAL VEHICLE:

- A self-propelled motor home vehicle designed for seasonal use as temporary sleeping or living quarters for

one or more persons.
- A slide-in camper, travel trailer, tent trailer or camp trailer designed for seasonal use as temporary sleeping or living quarters for one or more persons, and which is designed to be transported on or towed behind a self-propelled motor vehicle.
- A tiny house permanently attached to a motor vehicle or to a trailer frame designed to be towed by a motor vehicle.

REFINERY: An INDUSTRY category land use comprised of manually-operated or automated equipment, tools and machinery used to mass-produce a refined product by purifying, blending, converting or otherwise processing unrefined raw materials such as crude oil, natural gas, or mineral ore. An INDUSTRY category refinery typically runs continuously and includes structures, buildings and related site improvements.
(See also FACTORY, MANUFACTURING FACILITY, MILL)

REHABILITATION, MAJOR: A repair or replacement of a structure, the cost of which exceeds 50% of the market value of the structure in its condition prior to the damage, destruction or removal.
- Major rehabilitation does not include routine maintenance and repairs.

REHABILITATION, MINOR: A repair of a structure, the cost of which does not exceed 50% of the market value of the structure.
- Minor rehabilitation does not include routine maintenance and repairs.

RENOVATION: A physical change to a building within the confines of the building's footprint and overall height, including:
- the removal or construction of partitions to alter or rearrange floor space,
- the removal or installation of interior stairways,
- the installation or relocation of kitchens or bathrooms,
- the installation or replacement of masonry fireplaces or chimneys,
- the installation or replacement of a foundation,
- the replacement or enclosure of decks or porches, or
- the installation or alteration of dormers or roof framing.

RESEARCH FACILITY: A place of business where scientific investigation, testing and experimentation are conducted for the purpose of expanding knowledge and education.

RESIDENTIAL CARE FACILITY: An assisted living facility licensed by the Maine Department of Health and Human Services where residents receive room and board and personal services as needed.
- Level 1: A one or two bedroom facility.
- Level 2: A three to six bedroom facility A family unit primarily operates these facilities.
- Level 3: A three to six bedroom facility primarily agency owned and operated and employing three or more un-related people
- Level 4: A facility with more than 7 beds.

RESTAURANT, STANDARD SERVICE: A place of business where food and beverages are prepared and served to customers seated at dining tables for immediate consumption on the premises. Called-in pick-up or delivery orders may be an incidental service offered to customers.

RESTAURANT, QUICK SERVICE: A place of business where food and beverages are prepared, packaged

and given to customers for immediate consumption on or off the premises. Customers either walk-in to place orders at a counter or drive up in a vehicle to place orders via an intercom system or directly to an employee at a service window. Dining tables may be provided indoors or outdoors, but table service is not provided.
COFFEE SHOP
DELICATESSEN
DRIVE-IN RESTAURANT
FAST FOOD RESTAURANT
PIZZA SHOP
SANDWICH SHOP

RETAIL MARIJUANA CULTIVATION FACILITY: An entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

RETAIL MARIJUANA PRODUCTS MANUFACTURING FACILITY: An entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

RETAIL MARIJUANA SOCIAL CLUB: An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

RETAIL MARIJUANA STORE: An entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

RETAIL MARIJUANA TESTING FACILITY: An entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

RIGHT-OF-WAY, PUBLIC:
- A town street or road.
- A State or Federal highway.
- An easement for the purpose of public access or public utility or drainage installations.

RIGHT-OF-WAY, PRIVATE: A described area of privately-owned land over which one or more landowners may pass either by vehicle or by foot, or over which private utilities may be installed.

RIPRAP: Rocks, irregularly shaped and at least 6 inches in diameter, which are used for erosion control and soil stabilization, typically on ground slopes of 2 units horizontal to 1 unit vertical or less.

RIVER: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

ROAD: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.
STREET

ROUTINE MAINTENANCE AND REPAIR:
- The periodic upkeep necessary to assure the proper functioning and performance of a structure, road, or other

site development feature.
- The action necessary to correct minor damage, decay or defect of a structure, road or other site development feature.
- The replacement of doors or windows.
- The replacement of exterior stairs, ramps, railings or decking boards.

SALT MARSH: Areas of coastal wetland that support salt tolerant species and, where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

SALT MEADOW: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season, but is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush. Common threesquare occurs in fresher areas.

SAND/GRAVEL PIT: See MINERAL EXTRACTION.

SALVAGE YARD:
- A place of business where ferrous and non-ferrous metals are stored and processed for reuse.
- A place of business where used building materials are stored, processed and displayed for sale. The land use requires outdoor storage and display areas and may also require indoor storage and display areas.

SCRAP METAL RECYCLING FACILITY
ARCHITECTURAL RECYCLING FACILITY

SAPLING: A tree species that is less than 2 inches in diameter at 4.5 feet above ground level.

SAWMILL FACILITY (SMALL): A land use that includes the use of gas-powered portable cutting equipment to process logs into firewood or lumber. A small sawmill facility does not include the use of any other wood processing equipment, except a chipper may be included to process unwanted wood waste. Portable cutting equipment operated under the control of a property owner on their own land to process logs for the property owner's own personal use is not considered a small sawmill facility.

SCENIC VIEW: Any vista deemed worthy of protection, as identified in the town's Comprehensive Plan.

SCHOOL: A publicly or privately-funded facility providing educational opportunities.
KINDERGARTEN
MIDDLE SCHOOL
HIGH SCHOOL
ADULT/COMMUNITY EDUCATION
ALTERNATIVE EDUCATION
TRADE/TECHNICAL SCHOOL
ACADEMY
COLLEGE
UNIVERSITY

SEASONAL ROADSIDE SALES: A residential accessory use, conducted by the property owner or family member on their property, involving the offering and selling of items that have a local seasonal demand. Items

having a local seasonal demand include, but are not limited to, fish bait, wreathes, small crafts, firewood, iced beverages, and home-grown flowers, fruits and vegetables. Items for sale are displayed at a roadside location, except when such a display is impractical or damaging to the items. The roadside display may include a temporarily-installed table or stand, and a small advertising sign. A SEASONAL ROADSIDE SALES use is of short duration, taking place until such time the local seasonal demand ends or the inventory is depleted, whichever comes first.

SEEDLING: A young tree species that is less than 4.5 feet in height above ground level.

SERVICE DROP: See UTILITY SERVICE CONNECTION

SERVICE STATION: See VEHICLE SERVICES, CLASS 1.

SETBACK:

- The horizontal distance between a structure, road, parking space or other regulated object or area and the normal high-water line of a water body, tributary stream or the upland edge of a wetland. The distance is measured from that portion of the regulated object that is nearest to the water body, tributary stream or wetland.
- The horizontal distance between a structure, road, parking space or other regulated object or area and a property line or boundary of a right-of-way or easement. The distance is measured from that portion of the regulated object that is nearest to the property line or boundary.
  - Nearest portions of a structure from which the setback is measured include, but are not limited to: decks, porches, stairs, eave overhangs, foundations, walls, bay or bow windows and chimneys. Some exceptions apply.

SHORE FRONTAGE: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

SHORELAND DISTRICT: Land located within any of the following dimensioned areas, as measured horizontally:

- Within 250 feet of the normal high-water line of any great pond or river.
- Within 250 feet of the upland edge of a coastal wetland including all areas affected by tidal action.
- Within 250 feet of the upland edge of a freshwater wetland.
- Within 75 feet of the normal high-water line of a stream.
  - The RT1S District includes land that is located more than 250' from the normal high-water line of Penobscot River.

SHORELAND ZONE

SHORELINE: The normal high-water line of a water body or tributary stream, or the upland edge of a freshwater or coastal wetland.

SHORT DURATION REPETITIVE SOUNDS: A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

SKILLED NURSING FACILITY: An institution or a distinct part of an institution which is primarily engaged in providing skilled nursing care and related services for residents who require medical or nursing care or rehabilitation services on an inpatient basis and do not require acute level of care.
LONG-TERM CARE FACILITY

SMALL ENGINE SERVICE GARAGE: A place of business that offers parts, repairs and maintenance for low-power gasoline or electric engines such as those used in chain saws, snow blowers, lawn mowers and go-carts, and for larger engines such as those used in snowmobiles, outboard motors and all-terrain recreational vehicles.

SMALL FACILITY FOR EDUCATIONAL, SCIENTIFIC OR NATURE INTERPRETATION USE: A low-impact, limited size development comprised of small structures and minimally cleared areas used to conduct environmental studies, teaching or other outdoor educational activities. Small structures include, but are not limited to, observation decks or towers, walkways, kiosks, tree stands, blinds, warming huts, benches and group assembly areas.

SOLAR ENERGY SYSTEM: An installation of photovoltaic panels designed to convert sunlight into electricity. The installation includes supporting structures, piping, wiring and related electrical components.

SOLID WASTE DISPOSAL FACILITY: A place where garbage, refuse and recyclable materials are collected for processing and transfer to a licensed disposal or recycling site.
RECYCLING FACILITY

SPORT SHOOTING RANGE: An area designed and used for archery, skeet and trap shooting or other similar shooting sports and the shooting of rifles, shotguns and pistols.

STORE: A place of business that displays and sells merchandise that customers may directly select and purchase or order for pick-up or delivery. (See also HOME-BASED MERCHANT)

- Class A mercantile stores have an aggregate gross area of more than 30,000 sq. ft. or use more than 3 levels, excluding mezzanines, for sales purposes.
- Class B mercantile stores have an aggregate gross area of more than 3,000 sq. ft. but not more than 30,000 sq. ft., or which have floors above or below the street floor level for sales purposes.
- Class C mercantile stores have an aggregate gross area of not more than 3,000 sq. ft. on one story only, excluding mezzanines.

ADULT PRODUCTS STORE
ANIMAL SUPPLIES STORE
ANTIQUE SHOP
AUTOMOTIVE PARTS STORE
BICYCLE SHOP
BOOK STORE
CELL/MOBILE PHONE STORE
CLOTHING STORE
CONSIGNMENT SHOP
CONVENIENCE STORE
CRAFT STORE
DEPARTMENT STORE
ELECTRONICS STORE
FLOORING STORE
FLORIST
FURNITURE STORE
GIFT/NOVELTY SHOP
GROCERY STORE
HARDWARE STORE
HOBBY SHOP
HOME-BASED MERCHANT
ICE CREAM SHOP
JEWELRY STORE
LUMBERYARD
MARINE SUPPLY STORE
MARKET
OFFICE SUPPLY STORE
PASTRY SHOP
PAWN BROKER
PHARMACY
RENTAL STORE
RETAIL STORE
SHOE STORE
SPORTING GOODS STORE
STAINED GLASS SHOP
TIRE STORE
TOBACCO SHOP
TOY STORE
VIDEO RENTAL/SALES STORE
WAREHOUSE STORE
WHOLESALE STORE

STORM-DAMAGED TREE: A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

STREAM: A free-flowing body of water from the outlet of a great pond or the confluence of 2 perennial streams as depicted on the most recent highest resolution version of the national hydrology dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and the channel forms downstream of the water body or wetland as an outlet that is also a stream.

STREET: See ROAD.

STRUCTURE:

- Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind.
- A building.
- Anything built, constructed or erected on or in the ground.
- A deck, patio, or the like.
- An outdoor wood boiler.
- A satellite dish.
- The term 'structure' does not include fences and poles, wiring, guying, guy anchors and other aerial equipment normally associated with service drops are not considered to be structures.
- The term 'structure' does not include subsurface wastewater disposal systems as defined in Title 30-A Section 4201, Subsection 5, geothermal heat exchange wells as defined in Title 32, Section 4700-E, Subsection 3-C, and wells or water wells as defined in Title 32, Section 4700-E, Subsection 8.
  See also PRINCIPAL STRUCTURE, ACCESSORY STRUCTURE.

SUBSTANTIAL START: Completion of 30 percent of a permitted structure or use, measured as a percentage of estimated total cost.

SUBSTANTIALLY COMPLETE: The primary features and functions of a land use are operational and finished to the extent that the land use may be conducted in accordance with applicable rules and regulations, and in accordance with required conditions of approval, if any.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM: Any system designed to dispose of sewage waste or wastewater on or beneath the surface of the earth, including, but not limited to:

- septic tanks,
- disposal fields,
- grandfathered cesspools,
- holding tanks,
- pretreatment filters,
- piping, or
- any other fixture, mechanism, or apparatus used for those purposes.
- SUBSURFACE WASTEWATER DISPOSAL SYSTEM does not include any discharge system licensed under 38 MRSA § 414, any surface wastewater disposal system or any municipal or quasi-municipal sewer or waste water treatment system.

SUSTAINED SLOPE: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

TAVERN: A place of business licensed to sell alcoholic beverages to be consumed on the premises as the primary function of the business.
BAR
LOUNGE

TELECOMMUNICATION TOWER: A structure of open lattice, monopole or other design to which is attached any device designed for commercial telephonic, radio, or television communication through the transmission of electromagnetic waves.

TELEMARKETING CENTER: A place of business with the sole function of marketing goods or services by telephone or other forms of electronic communication.

TIDAL WATERS: All waters affected by tidal action during highest annual tide.

TINY HOUSE: A dwelling that is 400 square feet or less in floor area, excluding lofts.

TONAL SOUND: for the purposes of this ordinance, a tonal sound exists if, at a protected location, the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

TREE: A woody perennial plant with one or more well-defined trunks at least 2 inches in diameter at 4.5 feet above the ground, with a more or less definite crown, and reaching a height of at least 10 feet at maturity.

TRIBUTARY STREAM: A channel between defined banks created by the action of surface water and which is connected hydrologically with other water bodies. The channel is characterized by the lack of terrestrial vegetation or by the presence of a bed that is devoid of topsoil, contains waterborne deposits or contains exposed soil, parent material or bedrock. Water may flow in the channel on a perennial or intermittent basis.

- Rills or gullies formed by accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity are not considered to be tributary streams.

UPLAND EDGE OF A WETLAND: The boundary between upland and wetland, described as follows:

- In a coastal wetland, the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action.
- In a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation or where the soils support the growth of wetland vegetation dominated by woody stems that are 6 meters (approximately 20 feet) tall or taller.

(See also SHORELINE)

UTILITY SERVICE CONNECTION: An accessory land use involving above or below ground installation of piping or wiring and related poles, guys, support slabs, appliances and equipment necessary to connect a structure with a utility transport system.

UTILITY TRANSPORT SYSTEM:
A non-INDUSTRY land use comprised of above or below ground structures for the transport of:

- gases or liquids,
- electricity or electronic information or signals, or
- sewage, except subsurface wastewater disposal systems.
  - Utility transport systems may include towers, poles, wires, mains, drains, pipes, collection and supply systems and associated storage tanks, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories. Utility transport systems include public and private installations.

(See also UTILITY SERVICE CONNECTION, INTRASTATE/INTERSTATE PIPELINE, INTRASTATE/INTERSTATE TRANSMISSION LINE.)

VARIANCE: A relaxation of the terms of an ordinance where such relaxation will not be contrary to the public interest and where a literal enforcement of an ordinance would result in undue hardship as defined in 30-A MRSA § 4353.

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

VEHICLE SERVICES-CLASS 1:
FUEL AND FOOD STORE: A place of business that offers the sale and dispensing of fuel for motor vehicles and the sale of food and miscellaneous sundries.
FULL SERVICE STATION: A place of business that offers a wide variety of repair services for motor vehicles and the sale and dispensing of fuel for motor vehicles. Limited food sales may also be offered.

VEHICLE SERVICES-CLASS 2:
BODY REPAIR GARAGE: A place of business that offers motor vehicle body repair and painting services.
BRAKE AND MUFFLER SERVICE GARAGE: A place of business that offers motor vehicle brake and muffler services.
DETAILING SERVICE: A place of business that offers full interior and exterior cleaning of motor vehicles, including vacuuming, washing, waxing, buffing and polishing.
GENERAL REPAIR GARAGE: A place of business that offers a wide variety of repair services for motor vehicles.
OIL CHANGE GARAGE: A place of business that offers oil and filter changes for motor vehicles.
TRANSMISSION SERVICE GARAGE: A place of business that offers motor vehicle transmission service.
VEHICLE WASHING FACILITY: A place of business that offers automated drive-through washing facilities or self-service washing and vacuuming facilities for motor vehicles.

VETERINARY PRACTICE: A place of business operated by a licensed and professionally trained person offering medical or surgical treatment of animals, especially domestic animals.

VOLUME OF A STRUCTURE: The space (expressed in cubic feet) of all portions of a structure enclosed by roof and fixed exterior walls, as measured from the exterior faces of these walls and roof.

WAREHOUSE: An accessory structure with sufficient capacity to store bulk quantities of goods, parts, products, equipment, merchandise or other items requiring a large storage space.

WASTEWATER TREATMENT FACILITY: A place where sanitary wastewater is processed and discharged

or otherwise disposed of in accordance with State licensing requirements.
COMPOSTING FACILITIES
PUBLIC SEWER PUMP STATIONS
SANITARY WASTE DEWATERING FACILITIES
SLUDGE SPREAD SITES
STORMWATER SEPARATION FACILITIES

- A subsurface wastewater disposal system is not considered to be a wastewater treatment facility for the purposes of this ordinance.

WATER BODY: Any great pond, river or stream.

WATER CROSSING: Any project extending from one bank to the opposite bank of a river, stream, tributary stream or wetland, whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. Crossings for timber harvesting equipment and related activities are also included.

WATERWORKS FACILITIES: A place where water is processed and discharged into a public drinking water system in accordance with State licensing requirements and also including transport and collection piping systems and water storage tanks.
PUBLIC WATER PUMP STATIONS

PUBLIC WATER STORAGE TANKS

WELLHEAD PROTECTION ZONE: An area within 1,000 feet of a community drinking water well identified by the Maine Drinking Water Program, or the source water protection area of a community drinking water well as mapped by the Department of Health and Human Services, whichever is greater.

WETLAND: A freshwater or coastal wetland.

WETLAND, COASTAL:

- All tidal and sub-tidal land.
- All land with vegetation that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat.
- Any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed, as identified in tide tables published by the National Ocean Service.
- Coastal wetlands may include portions of coastal sand dunes.

WETLAND, FORESTED: A freshwater wetland dominated by woody vegetation that is 6 meters (19.68 feet) tall or taller.

WETLAND, FRESHWATER: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1) of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body (excluding any river, stream or brook) such that in a natural state the combined surface area is in excess of 10 acres, and
2) inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

- Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

WIND TURBINE FACILITY: A power generating facility comprised of one or more windmill installations used to produce electricity for intrastate or interstate transmission or for local transmission. The facility typically operates continuously and includes structures, buildings and related site improvements.

- Small wind turbine installations designed to produce electricity primarily for on-site consumption are not considered wind turbine facilities.

WINDMILL: A structure or machine that converts wind into usable energy through the rotation of a wheel with fixed or variable pitch blades.
WIND TURBINE

WIRELESS COMMUNICATION: Any FCC licensed commercial wireless telecommunication service including cellular, personal communications services, mobile radio, paging and similar services.

WIRELESS COMMUNICATION FACILITY: A non-staffed facility for the transmission or reception of wireless communication services, usually consisting of a telecommunications tower, antenna, transmission cables and equipment building

WOODY VEGETATION: Live trees or woody, non-herbaceous shrubs.

YARD SALE: An activity of short duration, usually one or two days, involving the sale of personal items, household items or donated items to the public by one homeowner, a group of homeowners or a noncommercial entity.
GARAGE SALE

ZERO SETBACK SHORELINE STRUCTURE: A pier, dock, wharf, bridge or other similar structure extending over or below the normal high-water line of a water body or the upland edge of a wetland. A zero setback shoreline structure is considered temporary if it remains in or over the water for less than 7 months in any period of 12 consecutive months, and permanent if it remains in or over the water for 7 months or more in any period of 12 consecutive months.

- A recreational boat storage building is not a zero setback shoreline structure.
- A recreational float is not a zero setback shoreline structure.

Adoption &Amendment Notes:

Appendix K Land Use and the Official Zoning Map of Bucksport, Maine (Sheets 1&2,) were adopted by the Bucksport Town Council on December 10, 2009, and approved by the Maine Department of Environmental Protection on December 22, 2009. Upon the effective date of January 9, 2010, this ordinance and official map replaces the current Appendix K Land Use and Site Plan Ordinance (last revised on August 28, 2008) and the official zoning map titled Land Use and Shoreland Zones, Town of Bucksport, Hancock County, State of Maine (last revised on October 11, 2007,) and repeals the current Appendix E Shoreland Zoning Ordinance (last revised on August 28, 2008.)

Amended on:

May 13, 2010, effective 6-12-10
Section 11.4 to add a public comment period.
Section 13.15.8.1 to add additional provisions for public boat launch parking lots.
Table of Contents updated to reflect page number changes.
Official Zoning Map to change a portion of RP adjacent to Silver Lake to LRO.

August 26, 2010, effective September 25, 2010
Section 14.9.4.1 to exempt decks and open porches from the R1 and R2 front setback requirement
Section 20 to clarify in the definition for 'setback' that some exceptions apply as to what part of a structure must comply with minimum setback requirements.
January 13,2011, effective February 11, 2011
Table of land uses section 9.5.8 to add medical marijuana dispensaries and a restrictive note.
Table of land uses section 9.5.12 to add medical marijuana growing facilities and a restrictive note.
Section 13.9.3 to add standards for medical marijuana dispensaries in section 13.9.3.2.
Section 13.13. to add standards for medical marijuana growing facilities in section 13.13.2.7.
Section 20 to add definitions for medical marijuana dispensary and medical marijuana growing facility.

April 14, 2011, effective May 14, 2011
Table of land uses section 9.5.1 to add "porches" to the "decks, stairs and ramps" accessory land use.
Table of land uses section 9.5.5 to add residential care facilities in the table of land uses and identify where the use may be permitted.
Table of land uses 9.5.11 to delete a duplicate land use description in the table of land uses.
Section 11.7 to increase the minimum land use permit life to two years, and to allow permit life extensions subject to compliance with certain requirements.
Section 13.2.4.1 to reduce the minimum property line setback for decks and porches to 10 feet.
Section 13.2.4.2 to regulate when a deck or porch may be converted to interior living space.
Section 13.2.4.3 to exempt stairs and ramps from meeting minimum property line setbacks if they are less than 500 square feet in size.
Section 13.15.9.3 to clarify the setback requirements for roads in shoreland districts.
Section 14.5 to require a setback to be measured from the boundary of a right of way if it is closer to a structure than the property line.
Section 14.9.4 to reduce the minimum front setback in the R1 and R2 Districts to 25 feet from the edge of the right of way.
Section 14.9.4.1to clarify how to determine the minimum front setback in shoreland overlay districts.
Section 16.4.2 to correct a section reference error.
Official zoning map to rezone a property to Industry Development. The property was inadvertently placed in the Route 15 Residential/Commercial District when the zoning map was revised in 2009.

November 10, 2011, effective December 10, 2011
Add Addendum 1, which includes facsimiles of the two official zoning maps.
Add Addendum 2, which includes performance standards specific to mineral extraction land uses.
Section 7.2 to recognize the addition of Addendum 1.
Section 8.5.10 to add metallic mineral mining and salvage yards as production land uses.
Section 9.5.10 to add metallic mineral mining in the table of land uses; to add note J.7 for mineral extractions.
Section 9.5.10.1 to add note J.7.
Section 13.11.8 to add language addressing metallic mineral mining.

Section 13.11.9.1 to add reference to Addendum 2.
Section 13.11.9.2 to replace "quarry" with "rock, and to add reference to Addendum 2.
Delete Sections 13.11.9.3, 13.11.9.4 & 13.11.9.5. Content of last two sections relocated to Addendum 2.Content of first section relocated to Section 13.11.8.
Section 20 to amend definition of mineral extraction, add definitions for metallic mineral mining, protected location, public drinking water supply, short duration repetitive sounds, tonal sound.

October 31, 2013, effective November 30, 2013
Table of land uses 9.5.2 to change Auction Houses from a prohibited use to an allowed use in the DT and DTS Districts, subject to L2 (planning board) review.
January 14, 2016, effective February 13, 2016

Table of Land Uses 9.5.13 to add Seasonal Roadside Sales.
Sections 10.8.1, 10.8.2, 10.8.11, 10.12.2, 10.12.2.1, 10.10.1 and 10.10.2 to change review criteria.
Section 11.5.6.1 to clarify site plan content requirements. Section 11.5.8 added for same purpose.
Section 11.7.1 to correct a section number error.
Section 12.4.2 to add contractor certification requirements.
Section 12.5.6.1 to add requirements for heating oil tanks in wellhead protection areas.
Section 13.11.9 changed to 13.11.10 to correct a number error.
Section 13.14.8 added to create a placeholder for Seasonal Roadside Sales.
Section 14.6.1 to eliminate retaining walls as a functionally water-dependent use.
Section 18.4 to clarify variance restrictions.
Section 18.5 added to allow CEO approval of disability variances.
Section 19.5 deleted because biennial reporting to DEP is no longer required.
Section 20 to add definitions for footprint seasonal roadside sales and wellhead protection zone, and amend definitions for functionally water dependent use, outdoor market, stream, structure and timber harvesting..

November 10, 2016, effective December 10, 2016

Section 10.8: repeal and replace existing content.
Section 10.9: repeal and replace existing content.
Section 10.10: repeal and replace existing content.
Section 10.11: repeal and replace existing content.
Section 10.12: repeal and replace existing content.
Section 13.15.8.7: amend content
Section 16.4.3: amend content
Section 16.4.3.1: new section added.
Section 20: amend definition: expansion of a structure, amend definition: expansion of a use.

July 27, 2017, effective August 26, 2017

Section 9.5.2 ASSEMBLY LAND USES to add RETAIL MARIJUANA SOCIAL CLUBS as a land use and prohibit the land use in every zoning district.
Section 9.5.8 MERCANTILE LAND USES to add RETAIL MARIJUANA STORES as a land use and prohibit the land use in every zoning district.
Section 9.5.10 PRODUCTION LAND USES to add RETAIL MARIJUANA PRODUCTS MANUFACTURING FACILITIES as a land use and prohibit the land use in every zoning district.

Section 9.5.12 RURAL LAND USES to add RETAIL MARIJUANA CULTIVATION FACILITIES as a land use and prohibit the land use in every zoning district.
Section 9.5.15 TRADE LAND USES to add RETAIL MARIJUANA TESTING FACILITIES as a land use and prohibit the land use in every zoning district.
Section 13.3 ASSEMBLY USES to add a placeholder for specific standards for RETAIL MARIJUANA SOCIAL CLUBS
Section 13.16 TRADE USES to add a placeholder for specific standards for RETAIL MARIJUANA TESTING FACILITIES
SECTION 20 DEFINITIONS to add definitions for the following terms:
RETAIL MARIJUANA CULTIVATION FACILITY
RETAIL MARIJUANA PRODUCTS MANUFACTURING FACILITY
RETAIL MARIJUANA SOCIAL CLUB
RETAIL MARIJUANA STORE
RETAIL MARIJUANA TESTING FACILITY

August 31, 2017, effective September 30, 2017

Amendments to bring Appendix K into compliance with changes made to DEP Chapter 1000 Guidelines for Municipal Shoreland Zoning Ordinances in January of 2015, to make changes to dimensional standards and to certain zoning boundary lines in the DTS District, and to revise timber harvest standards. Addendum 3 added.

June 28, 2018, effective July 5, 2018

Section 9.5.5.1 to remove a conflict with the state's subdivision law,
Sections 9.5.5, 13.6.14, and 20 to add regulations and a definition for tiny houses,
Section 12.3 to clarify stormwater management plan requirements,
Section 14.9.2 to clarify street frontage requirements for lots in a shoreland district,
Section 13.15.8.7 to address parking requirements for dwelling units in the Downtown and Downtown Shoreland Districts

February 14, effective February 21, 2019, except for shoreland changes pending DEP approval

Section 7 is amended to bring the description of a Resource Protection District into conformance with the language in DEP regulations.
Table 9.5.1 is amended to require stairs and ramps for public use to be subject to review, which is consistent with the permitting requirements in Chapter 5. Any stair or ramp in shoreland areas will be subject to review, regardless of size or use.
Table 9.5.2 is amended to identify auction houses, meeting facilities and indoor recreational facilities as compatible commercial uses in the ID and IDO Districts.
Table 9.5.3 is amended to identify all educational facilities as schools and consider the use as a compatible use in the ID and IDO Districts when limited to schools that provide specialized training or recertification or licensing training. Also, to allow administrative offices for these schools, as well as post-secondary schools, research facilities and small educational/scientific/nature interpretation

facilities.
Table 9.5.5 is amended to allow one-family, one & ½ family and two-family dwellings in the C2 District, uses that were allowed in the town's original land use ordinance until 2010 when the ordinance was repealed and replaced.
Table 9.5.5 is amended to identify dormitories as a compatible commercial use in the ID and IDO Districts.
Table 9.5.9 is amended to identify public recreation and public bathrooms as compatible uses in the ID and IDO Districts. Public recreation is currently allowed in the IDO District. After First Reading on December 18, 2018, Table 9.5.9 is further amended to identify public information centers as a compatible use in the ID and IDO Districts.
Table 9.5.10 is amended to add small sawmill facilities as a specific type of manufacturing facility to be regulated. Where allowed, the use would be subject to compliance with the existing noise standard in Section 12.18.
Table 9.5.11 is amended to allow home-based professions that are conducted without any visible evidence of the business activity outside the home, except a sign, to be exempt from permitting.
Table 9.5.11 is amended to identify business offices as a compatible use in the ID and IDO Districts
Table 9.5.14 is amended to identify boat launching facilities as a compatible use in the ID District. It is currently allowed in the IDO District and making this change would allow the use to expand over district boundaries if necessary for site development.
Table 9.5.15 is amended to identify on-site service businesses as compatible commercial uses in the ID and IDO Districts. Off-site service businesses are currently allowed.
Section 7.1.2 is amended to remove the reference to "limited" residential uses, in support of a proposed change in Table 9.5.5 that would allow more residential uses in the C2 District.
Section 12.9 is added to address compliance with accessibility requirements.
Section 20 is amended to remove definitions for different types of schools, and include all types of schools, publicly or privately funded, under one label.
Section 20 is amended to add a definition for small sawmill facility.
Addendum 1 is amended to remove certain shoreland areas from Resource Protection.