

**ZONING ORDINANCE  
OF THE  
MUNICIPALITY OF PHILLIPS, MAINE**

**Originally adopted June 1974**

**Amended:**

**March, 1975  
September, 1975  
March, 1978  
March, 1979  
September, 1979  
March, 1981  
December, 1983  
March, 1991  
June 30, 1992  
March 19, 1994  
March 16, 1996  
March 29, 2003  
February 25, 2010  
June 25, 2011  
June 23, 2012  
June 21, 2025**

**Zoning Ordinance of the Municipality of Phillips, Maine**

---

## TABLE OF CONTENTS

Section 1.	Short Title .....	2
Section 2.	Purposes.....	2
Section 3.	Authority.....	2
Section 4.	Applicability.....	2
Section 5.	Effective Date of Ordinance and Ordinance Amendments .....	2
Section 6.	Basic Requirements .....	2
Section 7.	Availability.....	2
Section 8.	Severability.....	3
Section 9.	Conflicts with Other Ordinances.....	3
Section 10.	Amendments .....	3
A.	Initiation of amendment.....	3
B.	Adoption of amendment .....	3
Section 11.	Repetitive Petitions.....	3
Section 12.	Districts and Zoning Map.....	3
A.	Official Zoning Map.....	4
B.	Location of Districts.....	4
C.	Uncertainty of Boundary Location .....	4
D.	Division of Lots by District Boundaries.....	4
Section 13.	Rule of Precedence.....	5
Section 14.	Restoration of Unsafe Property.....	5
Section 15.	Land Use Requirements.....	5
Section 16.	Non-conformance.....	5
A.	Purpose .....	5
B.	General.....	5
C.	Nonconforming Structures.....	5
D.	Nonconforming Uses.....	5
E.	Nonconforming Lots.....	6
Section 17.	Establishment of Districts .....	7
A.	Elderly Residential District.....	7
B.	Rural District.....	7
Section 18.	Table of Land Uses .....	8
Section 19.	Dimensional Requirements .....	11
Section 20.	Yard and Height Standards (feet).....	11
A.	Yard Standards.....	11
B.	Building Height .....	12
Section 21.	Performance Standards.....	12
1.	Accessory Buildings.....	12
2.	Home Occupation.....	12
3.	Mobile Homes & MobileHome Parks.....	12
4.	Modificationsto Existing Structures.....	13
5.	Multi-Family Dwelling Units.....	13
6.	Accessory Dwelling Units.....	13
7.	Affordable Housing Development.....	14
8.	Off-Street Parking & Loading Requirements.....	15
9.	Planned Unit Development & Cluster Development.....	16
10.	SanitaryProvisions.....	18
11.	Signs.....	20
12.	Water QualityProtection.....	21
13.	Elderly Residential District Standards.....	21
14.	Apartment Conversions.....	22
15.	Backlots.....	22
16.	Archaeological Sites.....	23
Section 22.	Administration.....	23
A.	Enforcement .....	23
B.	Building or Use Permit.....	23

C.	Plumbing Permit Required .....	24
D.	Fee.....	24
E.	Enforcement Officer.....	24
F.	Legal Action and Violations.....	24
G.	Fines.....	24
H.	Appeals and Conditional Use Permits.....	24
I.	Board of Appeals.....	25
J.	Conditional Use Permits.....	27
Section 23.	Definitions.....	30

**ZONING ORDINANCE  
OF THE  
MUNICIPALITY OF PHILLIPS, MAINE**

**Section 1. Short Title**

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Municipality of Phillips, Maine" and shall be referred to herein as this "Ordinance."

**Section 2. Purposes**

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions for the residents of Phillips; to protect archaeological and historic resources; to control building sites, placement of structures and land uses; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development.

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

**Section 3. Authority**

This Ordinance has been adopted pursuant to Article VIII-A of the Maine Constitution, Title 30-A M.R.S.A. Sec. 3001.(Home Rule), and Title 30-A M.R.S.A. Section 4352.

**Section 4. Applicability**

This Ordinance applies to all land areas in the Town of Phillips. For additional requirements in the shoreland zone, refer to the Shoreland Zoning Ordinance for the Town of Phillips.

**Section 5. Effective Date of Ordinance and Ordinance Amendments**

This Ordinance was adopted by the municipal legislative body on June 30, 1992, and last amended on June 21, 2025.

**Section 6. Basic Requirements**

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

**Section 7. Availability**

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

## **Section 8. Severability**

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

## **Section 9. Conflicts with Other Ordinances**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

## **Section 10. Amendments**

### **A. Initiation of amendment**

An amendment to this Ordinance may be initiated by:

1. A majority vote of the Planning Board;
2. A request from the Municipal Officers to the Planning Board; or
3. A written petition from a number of voters equal to at least 10% of the number of votes cast in the Municipality at the last gubernatorial election.

### **B. Adoption of amendment**

An amendment to this Ordinance may be adopted by:

1. A majority vote of the Governing Body if the proposed amendment *is* recommended by the Planning Board; or
2. A 2/3 majority vote of the Governing Body if the proposed amendment *is not* recommended by the Planning Board.

- C.** In either case, the Planning Board shall hold a public hearing on the proposed amendment, Notice of the public hearing shall be posted in the Town Office at least fourteen (14) days prior to the public hearing and be published at least two (2) times in a paper having general circulation in Phillips, and the date of the first publication shall be at least fourteen (14) days prior to the hearing, and the second publication shall be at least seven (7) days prior to the hearing.

In addition, the provisions of Title 30-A, M.R.S.A. Section 4352 shall be complied with.

## **Section 11. Repetitive Petitions**

No proposed change in this Ordinance which has been unfavorably acted upon by the Governing Body shall be considered on its merits by the Governing Body within two years after the date of such unfavorable action unless adoption of the proposed change is recommended by unanimous vote of the Planning Board.

## **Section 12. Districts and Zoning Map**

### **A. Official Zoning Map**

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Zoning Map which is made a part of this Ordinance:

- A. Elderly Residential
- B. Rural

For shoreland zoning districts, refer to the Shoreland Zoning Ordinance and Shoreland Zoning Map for the Town of Phillips.

**B. Location of Districts**

Said districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of Phillips, Maine", and as amended, and on file in the office of the Municipal Clerk. The official map shall be signed by the Municipal Clerk and Chairman of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment. Additional copies of this map may be seen in the office of the Municipal Officers.

**C. Uncertainty of Boundary Location**

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

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
4. Boundaries indicated as following railroad lines shall be construed to follow such lines;
5. Boundaries indicated as being parallel to or extensions of features indicated in subsections (1) through (4) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map; and
6. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (5) above, the Board of Appeals shall interpret the District boundaries.

**D. Division of Lots by District Boundaries**

1. Where a zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than fifty (50) feet into the more restricted portion of the lot, subject to the provisions of 12.D.2. below.
2. Extension of use shall be considered a conditional use, subject to approval of the Planning Board and in accordance with the criteria set forth in paragraph 22.J.4. "Factors Applicable to Conditional Uses".

**Section 13. Rule of Precedence**

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

**Section 14. Restoration of Unsafe Property**

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

**Section 15. Land Use Requirements**

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

For standards in the shoreland zone, refer to the Shoreland Zoning Ordinance and Map for the Town of Phillips, Maine.

**Section 16. Non-conformance**

**A. Purpose**

It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that legally existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

**B. General**

1. **Transfer of Ownership:** Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.
2. **Repair and Maintenance:** This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

**C. Nonconforming Structures**

1. **Expansions:** A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure.

**D. Nonconforming Uses**

1. **Expansion:** Expansion of nonconforming uses, are to be allowed provided the Planning Board after reviewing written application determines that no greater adverse impacts would occur as the result of the expansion as defined in Section 16.D.4. and the following:

- a. The expansion of a nonconforming use will be in accordance with any applicable Performance Standards set forth in Section 20 of this Ordinance.
  - b. The expansions of the nonconforming use will not encroach further on the required setback.
  - c. The expansion is permitted by Section 16.C.1
  - d. For expansion of a non-conforming structure located in the Shoreland Zone, refer to the Town of Phillips Shoreland Zoning Ordinance.
2. Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding two (2) years, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five year period.
  3. Change of Use: An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 16.D.4.
  4. Change in Use of a Nonconforming Structure: The use of a nonconforming structure may not be changed to another conforming use unless the Planning Board, after reviewing written application, determines that the new use is equally or more appropriate to the district than the existing use of the nonconforming structure and the impact on adjacent properties will have no greater adverse impacts than the existing use.

The change in use shall comply with any applicable Performance Standards set forth in Section 21 of this Ordinance.

#### **E. Nonconforming Lots**

1. Nonconforming Lots: A nonconforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to set back or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.
2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and *Subsurface Wastewater Disposal Rules* are complied with.

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

If two or more contiguous vacant lots or parcels are in single ownership of record at the time of adoption or amendments of this Ordinance, and if all or part of the lots do not meet the

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

## **Section 17. Establishment of Districts**

For districts in the shoreland zone, refer to the Shoreland Zoning Ordinance for the Town of Phillips.

### **A. Elderly Residential District**

The Elderly Residential District provides for the development of housing for the elderly which is compatible with surrounding land uses and which does not produce any adverse impact on community facilities and services. It is bounded on the north by Seward Avenue, on the east by Pleasant Street, on the west by Dodge Road and on the south by the Phillips-Avon townline.

### **B. Rural District**

The Rural District includes all the Town's land area except the area in Resource Protection, Limited Residential, Elderly Residential, Stream Protection, or General Development Districts. It is the purpose of this district to allow a variety of land uses while protecting the public health and safety, environmental quality and economic well-being of the Municipality.

**Section 18. Table of Land Uses**

All land use activities, as indicated in Table of Land Uses, shall conform with all the applicable performance standards in Section 20. The district designation for a particular site shall be determined from the Official Zoning Map.

For uses in the shoreland zone, refer to the Shoreland Zoning Ordinance for the Town of Phillips.

**Key to Table of Land Uses**

YES: Allowed, Permit Not required but must comply with all applicable land use standards.

NO: Prohibited

PB: Requires a conditional use (CU) permit issued by the Planning Board

CEO: Requires permit issued by the Code Enforcement Officer

LPI: Requires permit issued by the Local Plumbing Inspector

<b>TABLE OF LAND USES</b>		
<b>LAND USES</b>	<b>ZONING DISTRICTS</b>	
	<b>Elderly Residential</b>	<b>Rural</b>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking	YES	YES
2. Motorized vehicular traffic on existing roads and trails	YES	YES
3. Forest management activities except for timber harvesting	YES	YES
4. Clearing or removal of vegetation for activities other than timber harvesting.	YES	YES
5. Fire prevention activities	YES	YES
6. Wildlife management practices	YES	YES
7. Soil and water conservation practices	YES	YES
8. Mineral exploration	YES	YES
9. Mineral extraction, including sand and gravel extraction	NO	PB
10. Surveying and resource analysis	YES	YES
11. Emergency operations	YES	YES
12. Agriculture/gardening	YES	YES
13. Residential Uses		
A. One and two family residential, including driveways	NO	PB
B. Multi-Family residential/cluster/planned unit development	PB	PB
C. Mobile/manufactured home parks	NO	PB
D. Elderly housing	PB	PB
E. Accessory Dwelling Unit	CEO	CEO
F. Affordable Housing Development	PB	PB
14. Commercial		
A. Less than 2,500 sq. ft. floor area and 40,000 sq. ft. lot area	NO	PB <sup>2</sup>
B. Commercial greater than 2,500 sq. ft. and 40,000 sq. ft. lot area	NO	NO
C. Sale of produce & plants raised on premise or seasonal sales of produce not raised on premises	NO	YES
15. Industrial		
A. Less than 2,500 sq. ft. gross floor area	NO	PB
B. 2,500 sq. ft. or more gross floor area	NO	NO
C. Auto graveyards/junkyards	NO	NO
D. Waste processing or disposal facility	NO	PB
16. Governmental/Institutional		
A. Church, parish house, rectory, other	NO	PB
B. Public/private schools	NO	PB
C. Public buildings/libraries, museums, civic centers	NO	PB
D. Cemeteries	NO	PB
F. Utilities/sewage collection - treatment	NO	PB
17. Accessory uses/structures allowed uses	CEO	CEO
18. Conversions of seasonal residences to year-round residences	NO	PB
19. Home Occupation	PB	PB
20. Private sewage disposal systems for allowed uses	LPI	LPI

21. Essential services	YES	YES
22. Service drops, as defined, to allowed uses	YES	YES
23. Public and private recreational areas involving minimal structural development	PB	PB
24. Individual, private campsites	NO	YES
25. Campgrounds	NO	PB
26. Road construction <sup>3</sup>	CEO	CEO
27. Parking facilities	CEO	CEO
28. Filling and earthmoving <10 cubic yards	YES	YES
29. Filling and earthmoving >10 cubic yards	PB	PB
30. Signs (new or replacement)	YES	YES
31. Uses similar to allowed uses	CEO	CEO
32. Uses similar to uses requiring a CEO permit	CEO	CEO
33. Uses similar to uses requiring a PB permit	PB	PB
34. Uses similar to prohibited uses	NO	NO
35. Public & private recreation facilities including parks, playgrounds, golf courses, driving ranges and swimming pools	NO	PB
36. Meteorological Towers	PB	PB
37. Type 0 Micro Wind Energy Facility <sup>4</sup>	PB	PB
38. Type 1 Small Wind Energy Facility <sup>4</sup>	PB	PB
39. Type 2 Intermediate Wind Energy Facility <sup>4</sup>	PB	PB
40. Type 3 Large/Commercial Wind Energy Facility <sup>4</sup>	PB	PB

<sup>2</sup>Commercial and industrial uses may be allowed in the Rural District provided:

(a) conditional uses shall conform to all dimensional and other applicable requirements of this district.

(b) Facilities housing any Commercial and Industrial Uses shall Not exceed 2,500 sq.ft. of gross floor area; and

(c) Landscaping, in the form of fencing or screening, either by use of evergreen shrubs, trees, fences, walls or beams of any combination thereof, forming a visual barrier Not less than six feet in height may be required.

<sup>3</sup>Driveway entrance permit issued by the Road Commissioner is required.

<sup>4</sup>Must also meet standards in the Town of Phillips, Maine, Wind Energy Facility Ordinance.

**Section 19. Dimensional Requirements**

Lots in all Districts shall meet or exceed the following minimum requirements.

Zoning District	Minimum Lot Size (sq. ft.)		Minimum Frontage (feet)
	With Sanitary Sewers	Without Sanitary Sewers	Street/Road
Elderly Residential	43,560	43,560	100
Rural	40,000	40,000	200

**NOTES TO TABLE:**

- a. If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.
- b. Accessory dwelling units are exempt from minimum lot size and minimum frontage requirements when a single-family dwelling unit exists on the lot.
- c. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

**Section 20. Yard and Height Standards (feet)**

**A. Yard Standards**

Zoning District	Front Yard Road/Street <sup>1</sup>	Side Yard <sup>2</sup>	Rear Yard	Maximum Lot Coverage (percentage)
Elderly Residential	70	10	20	20
Rural	60	10	20	15

<sup>1</sup>Measured from the centerline of a public road except on numbered State highways 50 feet from the edge of the right-of-way.

<sup>2</sup>Combined width of both side yards shall be at least 30 feet.

**NOTES TO TABLE:**

- a. Buildings or structures in existence prior to June 1974 may be exempt from the front setback requirement, provided that any addition or alteration requiring land use shall not decrease the existing front setback and other provisions of this ordinance are met. (March 1979)
- b. No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.
- c. Visibility at Corner Lots. All corner lots shall be kept free from visual obstructions for distance of 25 feet measured along the intersecting street lines.

## **B. Building Height**

No building shall exceed 2 1/2 stories or 35 feet in height. Features of buildings and structures such as chimneys, towers, ventilators, and spires may exceed 35 feet in height, but shall be setback from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance.

### **Section 21. Performance Standards**

The performance standards below shall apply to all districts. For performance standards in the shoreland zone, refer to the Shoreland Zoning Ordinance for the Town of Phillips.

#### **1. Accessory Buildings**

- a. No garage or other accessory building shall be located in a required front yard. When located to the rear of the main building, the accessory building shall be set back at least 10 feet from the side or rear lot lines.

#### **2. Home Occupation**

- a. Home occupation shall be carried on wholly within the principal building or within building or other structure accessory to it.
- b. Not more than two persons outside the family shall be employed in the home occupation.
- c. There shall be no exterior display, no exterior sign (except as permitted by the provisions of this Ordinance), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- d. No nuisance, waste, discharge, offensive noise, vibration, smoke, dust, odors, heat, glare or radiation shall be generated.

#### **3. Mobile Homes and Mobile Home Parks**

- a. Mobile homes not in a mobile home park: Mobile homes not in a mobile home park shall meet all of the requirements of this Ordinance for single-family dwellings.
- b. Mobile Home Parks: Mobile home parks shall meet State requirements for mobile home parks and all of the following criteria:
  - (1) Mobile home parks shall meet all requirements for a residential subdivision and shall conform to all applicable State laws and local ordinances.
  - (2) The minimum area of land within the park shall be ten acres.
  - (3) A continuous natural landscaped buffer area not less than 25 feet in width shall be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.

#### **4. Modifications to Existing Structures**

- a. No external modification or additions to any structure subject to flood damage are permitted unless such modification will not increase the flood damage potential of the structure and will not cause the structure to increase the degree of obstruction to flood flows.
- b. Any internal modification of an existing building may be permitted if such modification will not endanger human lives or increase the flood damage potential of the Regional Flood.
- c. All construction will utilize materials and techniques which will minimize the potential for flood damage.

#### **5. Multi-family Dwelling Units**

- a. Two-family dwelling units. Lots for two-family units shall meet all of the dimensional requirements for single-family dwelling units.
- b. Multi-family dwelling units. Multi-family (3 or more) dwelling units shall meet all of the following criteria:
  - (1) Lot area and frontage shall be equal to that required for the equivalent number of single-family dwelling units.
  - (2) The minimum road frontage shall be 200 feet.
  - (3) Lots for multi-family dwelling units shall meet all other dimensional requirements for single-family dwellings.
  - (4) No building shall contain more than ten dwelling units.
  - (5) All multi-family dwellings shall be connected to a common water supply and distribution system, either public or private, at no expense to the Municipality.
  - (6) All multi-family dwelling units shall be connected to a public sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance.
  - (7) No parking area shall be located within the required yard areas.

#### **6. Accessory Dwelling Units**

- a. A lot where a single-family dwelling unit is the principal structure may establish one accessory dwelling unit. The accessory dwelling unit is exempt from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed. An accessory dwelling unit may be located within, attached to, or detached from the principal structure.
- b. For an accessory dwelling unit located within the same structure as a single-family dwelling unit, or attached to, or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of the implementation date, in which case the requisite setback requirements for such a structure apply.

When an accessory dwelling unit is located in the shoreland zone, the lot area and shore frontage described in the Shoreland Zoning Ordinance shall apply to both the principal structure and the

accessory dwelling unit. (e.g., for a single-family dwelling and an ADU on a lot in the Shoreland Zone, the lot must have twice the minimum lot area and twice the minimum shore frontage).

- c. Size: The accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to Title 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies. An accessory dwelling unit can be no greater than 750 square feet. Other size limitations apply if located within a subdivision.
- d. Water and Wastewater

Prior to occupancy, an owner of an accessory dwelling unit must provide written verification to the Code Enforcement Officer that the accessory dwelling unit is connected to adequate water and wastewater services. Written verification under this subsection must include the following:

1. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
2. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to Title 30-A M.R.S. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;
3. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
4. If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 § 10.25(J), *Land Use Districts and Standards*, as may be amended. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

## 7. Affordable Housing Development

An automatic density bonus applies to certain affordable housing developments approved after July 1, 2024, as set forth herein.

### a. Eligibility

1. The proposed development must be located within a Designated Growth Area as may be established in the Town's Comprehensive Plan, or located on a lot that is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, and be in a location that permits multi-family dwellings as of July 1, 2024.
2. The proposed development must comply with the minimum lot size standards in accordance with the State Minimum Lot Size law, Title 12 M.R.S. Chapter 423-A, as may be amended.
3. The proposed development must be an affordable housing development, as defined in this Chapter, where 51% or more of the units are affordable and meet the following requirements:
  - i. The owner of the affordable housing development executes a restrictive covenant that is enforceable by a party acceptable to the Town. This restrictive covenant must be recorded in the Franklin County Registry of Deeds to ensure that for at least thirty (30) years after the completion of construction:

- a. For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and
  - b. For owned housing, occupancy of all the units designated affordable in the development will remain limited to the households at or below 120% of the local area median income at the time of initial occupancy.
- ii. Prior to occupancy, the owner of the affordable housing development must provide written verification to the Code Enforcement Officer that each unit of the affordable housing development is connected to adequate water and wastewater services. Written verification under this subsection must include the following:
- a. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
  - b. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A M.R.S. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;
  - c. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
  - d. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 § 10.25(J), *Land Use Districts and Standards*, as may be amended. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
- iii. No more than two parking spaces for motor vehicles must be provided for every three dwelling units of an affordable housing development.

**b. Density Bonus**

If the requirements of A. *Eligibility for Density Bonus* items 1-5 above are met, the proposed development may have a dwelling unit density of not more than 2.5 times the base density that is otherwise allowed in Section 19 Dimensional Requirements of this Ordinance. If fractional results occur when calculating the density bonus, the number of units is rounded down to the nearest whole number.

**8. Off-Street Parking and Loading Requirements**

- A. **Basic Requirements:** In any district where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged unless there is provided for such extension, construction or enlargement, off-street automobile parking space within 300 feet of the principal building, structure, or use of the premises, in accordance with the following schedule of parking requirements. However, commercial users occupying or intending to occupy existing structures on and including the area bounded by Main Street to Dodge Road, Dodge Road to Seward Street, Seward Street to Pleasant Street and Pleasant Street to Main Street are exempt from the requirements of this section. An area of 200 sq.ft. appropriate for the parking of

an automobile, exclusive of maneuvering space, shall be considered as one off-street parking space. No required parking space shall, for the purposes of this Ordinance, serve more than one use. No off-street parking facility shall have more than two entrances and exits on the same street, and no entrance or exit shall exceed 26 feet in width. Parking areas with more than two parking spaces shall be so arranged that vehicles can be turned around within such areas and are prevented from backing into the street.

**B. Schedule of Minimum Off-Street Parking Requirements**

- (1) Two spaces per dwelling unit, except that no additional parking is required for an accessory dwelling unit;
- (2) One space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel;
- (3) One space for each two beds in a hospital or sanitarium;
- (4) One space for each four beds for other institutions devoted to the board, care or treatment of persons;
- (5) One space for each 150 sq. ft. or fraction thereof, of floor area of any retail, wholesale or service establishment or office or professional building;
- (6) One space for each three seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums and other places of amusement or assembly;
- (7) One space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial or other permitted uses;
- (8) Adequate spaces shall be provided to accommodate customers, patrons and employees at automobile service stations, drive-in establishments, open air retail businesses and amusements and other permitted uses not specifically enumerated.
  - a. Off-Street Loading: In any District where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading or storage upon any public way.
  - b. Landscaping: Required parking and loading spaces for non-residential uses, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than eight feet in width containing evergreen shrubs, trees, fences, walls, beams, or any combination thereof forming a visual barrier not less than six feet in height along exterior lot lines adjoining all residential properties, except that driveways shall be kept open to provide visibility for vehicles entering and leaving.

**9. Planned Unit Development and Cluster Development**

- A. Purpose: The purpose of these provisions is to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the District in which the development is proposed.
- B. Basic Requirements: Planned unit developments and cluster developments shall meet all of the following criteria:
  - (1) All planned unit developments and cluster developments shall meet all requirements for a residential subdivision.

- (2) The minimum area of land in a planned unit development or cluster development shall be ten acres.
- (3) Any lot abutting a public road shall have a frontage and area no less than that normally required in the District. On other than public roads, lot area and road frontage may be reduced by not more than 30 percent from the requirements of the District in which the proposed development is located provided that:
  - a. No building lot shall have an area of less than 10,000 sq.ft.
  - b. All lots except those abutting a circular turn-around shall have a minimum frontage of 75 feet. The frontage of lots abutting a circular turn-around may be reduced to 50 feet, provided that the minimum lot width at the face of the building shall be 75 feet.
- (4) Lots in a planned unit development or cluster development shall meet all other dimensional requirements for the District in which they are located.
- (5) The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the District.
- (6) Every building lot that is reduced in area below the amount normally required shall abut such commonland for a distance of at least 50 feet.
- (7) All common land for recreational or conservation purposes only shall be owned jointly or in common by the owners of the building lots, by a trust or association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the Municipality.
- (8) Further subdivision of common land or its use for other than noncommercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.
- (9) Where a planned unit development or cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
- (10) All dwelling units in a planned unit development or cluster development shall be connected to a common water supply and distribution system, either public or private, at no expense to the Municipality.
- (11) All structures with required plumbing in a planned unit development or cluster development shall be connected to a public sanitary sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance.
- (12) Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development.

## 10. Sanitary Provisions

- A. Purpose: To promote health, safety and general welfare and to protect ground and surface waters and public and private water supplies from contamination or nutrient enrichment, the following provisions shall be applicable to the installation of sanitary waste disposal facilities in all Districts.
- B. Connection to Public Facilities: All plumbing shall be connected to public collection and treatment facilities when such facilities are available.
- C. Subsurface Sewage Disposal:

### (1) Soil Conditions

- (a) No Plumbing Permit shall be issued for a subsurface sewage disposal system unless the application is accompanied by a soils report prepared by a qualified soil scientist or agency based on an on-site investigation identifying the soils boundaries and names upon a plan of the lot in accordance with the USDA Soil Conservation Service National Cooperative Soil Survey.
  - (b) No Plumbing Permit shall be issued for a subsurface disposal system unless there are soils rated "good" or "fair" for the proposed use by the Soil Suitability Guide for Land Use Planning in Maine, in sufficient quantity to accommodate the proposed system, and in a location meeting the setback requirements of this Ordinance. In no case shall a Plumbing Permit be approved unless the area of such soils is greater than 1,000 sq.ft.
  - (c) A Conditional Use Permit may be issued for subsurface sewage disposal facilities located in soils rated "poor" for such use provided that:
    - a. A plan to construct an adequate absorption area in conformance with the requirements of the State Subsurface Sewage Disposal Rules is prepared by a Registered Engineer and submitted for Planning Board review.
    - b. Any system approved by the Planning Board under this section is supervised by the Local Plumbing Inspector during installation.
    - c. The distance from the outer edges of the total constructed area to the nearest lot line shall be a minimum of 50 feet.
- D. Privies: Privies may be permitted in areas not served by community sewer facilities and where other means of sewage disposal are not feasible, under the following conditions. The privy shall meet the requirements of the State of Maine Subsurface Wastewater Disposal Rules and the following:
- (1) No plumbing of any kind shall be connected to or discharged into the privy pit. A gray water system is required.
  - (2) The privy shall be located at minimum horizontal distance of:
    - (a) 25 feet from the nearest property line;
    - (b) 100 feet from a private well.
  - (3) The bottom of a privy pit shall be at least two feet above bedrock and the ground water table at its highest point or have a watertight vault.

### E. Holding Tanks

- (1) Holding tanks for sanitary wastes may be permitted in all Districts as a Conditional Use only after approval by the Planning Board and the Maine Department of Human Services Division of Health Engineering. The terms of the Conditional Use Permit shall specify that:
  - (a) A contract or other arrangement shall be made for the periodic and continuing removal of wastes from the tank from the time of installation of the tank.
  - (b) The waste is disposed of at a municipal sewage treatment plant or other facility approved by the Planning Board and the Maine Department of Environmental Protection.
  - (c) The holding tank and connection are completely watertight.
  - (d) Construction is of impervious material.
  - (e) The tank is not located in an area subject to frequent flooding or in soils subject to severe frost action.

F. Other Systems: Other systems of sanitary waste disposal may be permitted in all Districts as a Conditional Use only after approval by the Planning Board.

- (1) Alternative systems shall be presented to the Planning Board on a plan prepared by a Registered Engineer and shall be subject to review and approval of the Maine Department of Environmental Protection and/or the Maine Department of Human Services.
- (2) Except as required in Section 21.10.C.(1)(c), underground sewage disposal facilities, where permitted, shall be subject to the following additional setback provisions measured in feet:

Components	Daily Sewage Flow Less Than 2,000 Gallons		Daily Sewage Flow In Excess of 2,000 Gallons	
	Septic Tank	Disposal Area	Septic Tank	Disposal Area
Property Line	10	10	20	20
Buildings	8	20	20	40
Well or spring used as a domestic water supply	100	100	100	100
Well or spring used as a domestic water supply with a daily water use in excess of 2,000 gallons	100	300	100	300
Water supply line	10	10	10	25

- (3) Setbacks from shorelines and water supplies for all subsurface sewage disposal facilities shall not be reduced by variance.

## 11. Signs

- a. General: The following provisions shall apply to signs in all Districts where permitted.
- b. Size, Location and Illumination: No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording, the sign may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or otherwise constitute a hazard to pedestrian or vehicular traffic.
  - (1) Flashing, moving or animated signs are prohibited.
  - (2) No sign shall be erected adjacent to any public way unless it meets State specifications.
  - (3) No sign shall be located within three feet of a street line or lot line except signs protruding from a commercial structure which may not extend beyond the street line.
- c. Types of Signs
  - (1) Public traffic and directional signs:

Public traffic and directional signs and signs designating public or semi-public activities shall be allowed.
  - (2) Residential signs:
    - (a) One sign not to exceed 10 sq. ft. identifying the premises or the occupation of the tenants.
    - (b) Signs up to 20 sq. ft. may be used to identify public and non-profit buildings such as churches, schools, libraries, clinics and other similar residentially-related uses.
    - (c) Projecting signs shall not extend beyond the property lines.
    - (d) All signs shall be stationary and may be externally lit by a shaded, non-flashing light.
  - (4) Commercial Signs
    - (a) No commercial sign shall exceed 25 feet in height above the ground level of land upon which it is located.
    - (b) If a sign is affixed to or is part of a building, the sign shall not extend more than 10 feet above the roof of the building.
    - (c) The total area of all signs shall not exceed 60 sq. ft. in area per business and not exceed 4 signs per business.
  - (5) Other Signs
    - (a) Signs not exceeding two per premises and not over 6 sq.ft. in area relating to the sale, rental or lease of the premises, shall be allowed.
    - (b) Signs relating to trespassing, hunting and spraying must be conspicuously posted.

- (c) Signs relating to seasonal goods and services sold on the premises shall be allowed, provided such signs do not exceed two per premises and a cumulative total of 60 sq. ft. in area.

## **12. Water Quality Protection**

No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that runoff, seep, percolate or wash into surface or ground waters so as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.

## **13. Elderly Residential District Standards**

- a. For the purpose of this District, elderly housing shall mean dwelling units that are occupied by elderly and/or handicapped persons as a residential shared living environment. Permitted uses shall include but not be limited to individual apartments, shared community spaces, housekeeping services, personal care and transportation assistance.
- b. Permitted uses shall conform to all dimensional requirements and other applicable requirements of this District. A Building Permit shall be required for all buildings and uses according to the provisions of this ordinance.
- c. Permitted Uses
  - (1) Rural
    - open space use
    - agriculture and gardening
  - (2) Residential
    - elderly housing
    - accessory uses and structures, including a community room, for such functions as recreation, socialization, meetings, lectures, health programs, family visits and senior's programs
    - home occupations
    - signs
- d. Buildings or structures in existence prior to June, 1974, may be exempt from the front setback requirement provided that any addition or alteration requiring land use shall not decrease the existing front setback.
- e. No more than ten dwelling units shall occupy one acre of lot size. For the purpose of this District, a structure may contain a maximum of seven dwelling units. Maximum gross floor area per dwelling unit shall not exceed 800 sq.ft.
- f. No building shall exceed 2 1/2 stories or 35 feet in height.
- g. For the purpose of this District, one off-street parking space shall be provided for each dwelling unit. An area of 200 sq.ft. appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as one off-street parking space. No off-street parking facility shall have more than two access points, on the same street, and no access point shall exceed 26 feet in width. Parking areas with more than two parking spaces shall be so arranged that vehicles can be turned around within such areas and are prevented from backing into the street.

- h. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

#### **14. Apartment Conversions**

- a. Purpose: The purposes of these standards are to provide less expensive rental units to the housing stock; make housing units available to lower income households who might otherwise have difficulty finding housing in Phillips and to protect property values and traditional residential characteristics.
  - (1) General Requirements: The conversion of existing residences which otherwise would not meet dimensional requirements and/or parking requirements to multiple unit housing may be allowed by a permit granted by the Planning Board, provided that the following are met:
    - (a) Such conversion shall not create more than three (3) dwelling units in any structure.
    - (b) The converted apartments shall be designed so that the appearance of the building remains that of a single-family dwelling, with the exception of a second floor emergency egress.
    - (c) The design of the apartment conforms to all applicable standards in the building and other codes.
    - (d) Adequate off-street parking shall be provided. Additional parking shall not be required for an accessory dwelling unit.
    - (e) Adequate provisions shall be made for the disposal of sewage, waste and drainage generated by the apartments.
    - (f) Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.

#### **15. Backlots**

Backlots may be developed for single-family use although they lack any frontage on a public or privately owned street if the development is in accordance with the following provisions:

- a. If a backlot is accessible only by a legally enforceable right-of-way, it may be used if the following conditions are met:
  - (1) The right-of-way must be conveyed by deed or other legal instrument registered in the County Registry of Deeds to the owner of the backlot and be a minimum of 50 feet in width.
  - (2) A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the backlot.
  - (3) The right-of-way deed or other legal instrument must be recorded in the Franklin County Registry of Deeds before a building permit is issued.
  - (4) Creation of 50 foot right-of-way to serve the backlot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum, or, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.

- (5) The right-of-way may serve only one single-family dwelling.
  - (a) No more than one right-of-way for backlot development may be created out of any single lot fronting on public or privately owned street unless each subsequent right-of-way is created out of at least 200 feet of frontage on a public or privately owned road frontage, and the center lines of the rights-of-way entrances are at least 200 feet apart.
  - (b) The shortest distance between the backlot and street shall be at least 250 feet.

## **16. Archaeological Sites**

Any proposed land use activity involving structural development or soil disturbance on or adjacent sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

## **Section 22. Administration**

**A. Enforcement:** This Ordinance shall be enforced by a Code Enforcement Officer appointed by the Municipal Officers.

### **B. Building or Use Permit**

1. All applications for Building or Use Permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose.
2. Within seven days of the filing of an application for a Building or Use Permits, the Code Enforcement Officer shall approve, deny or refer to the Planning Board for Conditional Use Permit, all such applications. His decision shall be in writing on a form designed for the purpose, and communicated directly to the applicant. One copy of the Code Enforcement Officer's decision shall be filed in the Municipal Office. In cases where the Code Enforcement Officer deems that a Conditional Use Permit is required, he shall also provide a copy of this decision to the Planning Board.
3. No Building Permit for a building or structure on any lot shall be issued except to the owner of record thereof, or his authorized agent, until the proposed construction or alteration of a building or structure shall comply in all respects with the provisions of this Ordinance or with a decision rendered by the Board of Appeals or the Planning Board. Any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, an on-site soils survey in accordance with the USDA Soil Conservation Service National Cooperative Soil Survey, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Ordinance.
4. Applications for permits with their accompanying plans and Building Permits shall be maintained as a permanent record by the Municipal Officers or the Code Enforcement Officer.
5. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

6. A Building Permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted, and if the work or change is not substantially completed within two years of the date on which the permit is granted.
- C. Plumbing Permit Required:** No Building Permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid Plumbing Permit has been secured by the applicant or his authorized agent in conformance with the sanitary provisions of this Ordinance.
- D. Fee:** No building permit shall be issued without payment of a fee of \$5.00 for accessory buildings and \$10 for all other types. The Selectmen shall have the authority to revise fees after conducting a public hearing.
- E. Code Enforcement Officer**
1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures, removal of illegal buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.
  2. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.
- F. Legal Action and Violations:** When any violation of any provision of this Ordinance shall be found to exist, the Municipal Attorney, as designated by the Municipal Officers, either on his own initiative, or upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality.
- G. Fines:** Any person, including, but not limited to, a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance, shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452. The Selectmen are authorized to enter into a Consent Agreement and in such cases court action is not necessary.
- H. Appeals and Conditional Use Permits**
1. Procedure
    - a. All appeals or applications for Conditional Use Permits shall be based upon a written decision of the Code Enforcement Officer.
    - b. Administrative appeals and variance appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.
    - c. Applications for Conditional Use Permits shall be heard and decided upon by the Planning Board in accordance with the provisions of this Ordinance.
    - d. Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court according to State law.
    - e. Conditional uses shall lie from the decision of the Code Enforcement Officer to the Planning Board and from the Planning Board to the Superior Court according to State law.

## I. Board of Appeals

1. Establishment: A Board of Appeals is hereby established in accordance with State law and the provisions of this Ordinance.
2. Appointment and Composition
  - a. The Board of Appeals shall be appointed by the Municipal Officers and shall consist of five members, all of whom shall be legal residents of the municipality, serving staggered terms of at least three and not more than five years. The Board shall elect annually a chairman and secretary from its membership. The secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall consist of three members.
  - b. A Municipal Officer may not serve as a member.
  - c. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.
  - d. A member of the Board may be dismissed for cause by the Municipal Officers upon written charges and after public hearing.
3. Powers and Duties
  - a. Administrative Appeals: To hear and decide administrative appeals ,on an appellate basis, where it is alleged by an aggrieved party there is an error in any order, requirement, decision or determination by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.
  - b. Variance Appeals: To hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. The term "undue hardship" shall mean:
    - (1) that the land in question cannot yield a reasonable return unless a variance is granted;
    - (2) that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
    - (3) that the granting of a variance will not alter the essential character of the locality; and
    - (4) that the hardship is not the result of action taken by the applicant or a prior owner.

As used in this Ordinance, a variance is authorized only for height, area and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning District or uses in adjoining Zoning Districts. The Board of Appeals shall grant a variance only by concurring vote of at least four members and in so doing, may prescribe conditions and safeguards as are appropriate under this Ordinance.

- c. The Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
- d. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- e. A filing fee shall be required for each application for a variance in the amount of \$5.00 plus any expenses incurred. The Selectmen may revise the fee after holding a public hearing.
- f. Appeal Procedure
  - (1) In all cases, a person aggrieved by a decision of the Planning Board or Code Enforcement Officer shall commence his appeal within 30 days after a decision is made by the Planning Board or Code Enforcement Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.
  - (2) Following the filing of an appeal, and before taking action on any appeal, the Board of Appeals shall hold a public hearing on the appeal within 30 days. The Board of Appeals shall notify the Code Enforcement Officer and the Planning Board, at least 20 days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.
  - (3) In appeals involving the use of buildings or premises, the Board of Appeals shall notify by mail the appellant and owners of all property within 500 feet of the property involved at least ten days in advance of the hearing of the time and place of the public hearing.
  - (4) In the case of appeals involving space and bulk regulations or interpretation, the Board of Appeals shall notify by mail the appellant and only the owners of property abutting the property for which an appeal is taken, at least 10 days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing thereon. For the purpose of this section, abutting properties shall include properties directly across a street or water body from the property for which the appeal is made.
  - (5) The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.
  - (6) When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

- (7) When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.
- (8) At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.
- (9) The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs or other material he deems appropriate for an understanding of the appeal.
- (10) The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
- (12) Within 20 days of the public hearing, the Board of Appeals shall reach a decision on an appeal and shall inform, in writing, the appellant, the Code Enforcement Officer, the Planning Board and Municipal Officers of its decision and its reasons thereof.
- (13) Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a Building Permit in accordance with the conditions of the approval.
- (14) A variance under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one year of the date on which the appeal is granted, and if the work or change is not substantially completed within two years.

## **J. Conditional Use Permits**

1. Authorization: The Planning Board is hereby authorized to hear and decide upon applications for Conditional Use Permits in accordance with State law and the provisions of this Ordinance.
2. Powers and Duties: The Planning Board shall hear and approve, approve with modifications or conditions, or disapprove all applications for Conditional Use Permits. No Conditional Use Permit shall be authorized unless specific provision for such Conditional Use Permit is made in this Ordinance.
3. Application Procedure
  - a. A person informed by the Code Enforcement Officer that he requires a Conditional Use Permit shall file an application for the permit with the Planning Board on forms provided for the purpose.
  - b. Following the filing of an application, and before taking action on any application, the Planning Board may hold a public hearing on the application within 30 days. Should a hearing be held, the Planning Board shall notify the Code Enforcement Officer, Municipal Officers, and the Board of Appeals, at least 20 days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.

- a. The Board shall notify by mail, the applicant and the owners of all property within 500 feet of the property involved at least 10 days in advance of any hearing, of the nature of the application and of the time and place of the public hearing.
- d. The owners of property shall be considered to be those against whom taxes are assessed.  
Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.
- e. At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause.
- f. The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Planning Board all plans, photographs or other material he deems appropriate for an understanding of the application.
- g. The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
- h. Within 20 days of any public hearing, the Planning Board shall reach a decision on a Conditional Use and shall inform, in writing, the applicant, the Code Enforcement Officer and Municipal Officers of its decision and its reasons, thereof.
- i. Upon notification of the decision of the Planning Board, the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the Planning Board, or deny a Building Permit.
- j. A Conditional Use Permit secured under the provisions of this Ordinance by vote of the Planning Board shall expire if the work or change involved is not commenced within one year of the date on which the Conditional Use is authorized, and if the work or change is not substantially completed within two years.

4. Factors Applicable to Conditional Uses

- a. In considering a Conditional Use Permit, the Planning Board shall evaluate the immediate and long-range effects of the proposed use upon:
  - (1) The maintenance of safe and healthful conditions;
  - (2) The prevention and control of water pollution erosion on sedimentation;
  - (3) The control of building sites, placement of structures and land uses;
- b. The Planning Board shall also consider the following factors:
  - (1) The compatibility of the proposed use with adjacent land uses;
  - (2) The need of a particular location for the proposed use;
  - (3) Access to the site from existing or proposed roads;
  - (4) The location of the site with respect to floodplains and floodways of rivers or streams;
  - (5) The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems;
  - (6) The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation;
  - (7) Existing topographic and drainage features and vegetative cover on the site;
  - (8) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover;
  - (9) The impact of the proposed use on transportation facilities;
  - (10) The impact of the proposed use on location, population and community facilities;  
and
  - (11) The impact of the proposed use on local water supplies.

5. Conditions Attached to Conditional Uses

- a. Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Violation of any of these conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; location of piers, docks, parking and signs, type of construction; or any other conditions necessary to fulfill the purpose of this Ordinance.
- b. In order to secure information upon which to base its determination, the Planning Board may require the applicant to furnish, in addition to the information required for a Conditional Use Permit, the following information:

- (1) A plan of the area showing contours at intervals to be determined by the Planning Board and referred to Mean Sea Level, high water elevation, ground water conditions, bedrock, slope and vegetative cover.
- (2) A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accordance with the USDA Soil Conservation Service National Cooperative Soil Classification.
- (3) Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and landscaping.
- (4) Plans of buildings, sewage disposal facilities and water supply systems.
- (5) Other pertinent information necessary to determine if the proposed use meets the provisions of this Ordinance. In evaluating each application, the Planning Board may request the assistance of the Council, County Soil and Water Conservation District and any other State or Federal agency which can provide technical assistance.

**Section 23. Definitions**

**Accessory dwelling unit:** A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet unless the Technical Building Code and Standards Board, pursuant to Title 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies, and a maximum of 750 square feet.

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

**Affordable housing development.** "Affordable housing development" means:

- A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and
- B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the *United States Housing Act of 1937*, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.
- C. For purposes of this definition, "housing costs" include, but are not limited to:
  - i. For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

- ii. For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

**Area median income:** The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

**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; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

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

**Attached:** Connected by a shared wall to the principal structure.

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

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

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

**Backlot:** any lot or parcel of land that does not have frontage on a public or private road or lacks the minimum frontage as required under Section 19.

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

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

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

**Centrally managed water system:** A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This water system may be privately owned.

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

**Commercial use:** the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services. A commercial use excludes the rental of residential buildings and/or dwelling units.

**Comparable sewer system:** Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

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

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

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

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

**Designated growth area:** An area that is designated in a municipality's or multi-municipal region's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent. If a municipality does not have a comprehensive plan, "designated growth area" means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by Title 23 M.R.S. § 754.

**Development:** a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

**Dimensional requirements:** numerical standards relating to spatial relationships, including but not limited to, setback, lot area, shore frontage and height.

**Disability:** any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

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

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

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

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

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

**Essential services:** the construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers, and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Existing dwelling unit:** A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.

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

**Expansion of a structure:** an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

**Expansion of use:** the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

**Family:** one or more persons occupying a premises and living as a single housekeeping unit.

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

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

**Floor area, gross:** the sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior faces of the exterior walls.

**Foundation:** the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

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

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

**Ground cover:** small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

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

**Housing:** Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, time-share units, and apartments.

**Increase in nonconformity of a structure:** any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity.

**Industrial:** the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**Institutional:** a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

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

1. discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. discarded, scrap and junked lumber;
3. old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
4. garbage dumps, waste dumps and sanitary fills.

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

**Lot area:** the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

**Lot, corner:** a lot with at least two contiguous sides abutting upon a street.

**Lot, coverage:** the percentage of the lot covered by all buildings.

**Lot, interior:** any lot other than a corner lot.

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

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

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

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

**Lot width:** the horizontal distance between the side lot lines, measured at the setback line.

**Lot of record:** a parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the County Register of Deeds or in common use by city or county officials.

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

**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.

**Meteorological Tower (MT):** Tower constructed to mount instruments at one or more heights above grade for the purpose of collecting wind or other meteorological data.

**Minimum lot width:** the closest distance between the side lot lines of a lot.

**Mobile home:** a structure designed as a dwelling unit for location on a permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside

systems; and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than 450 sq.ft. of gross floor area.

**Mobile home park:** a plot of land laid out to accommodate at least two mobile homes.

**Multi-Family residential:** a residential structure containing three (3) or more residential dwelling units.

**Native:** indigenous to the local forests.

**Net residential acreage:** the gross acreage available for development, excluding the area for streets or access and the areas which are unsuitable for development.

**Net residential density:** the number of dwelling units per net residential acre.

**Non-conforming condition:** non-conforming 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:** a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

**Nonconforming structure:** a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**Nonconforming use:** use of buildings, structures, premises, land or parts thereof which are not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

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

**Parking space:** a minimum area of 200 sq.ft., exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles.

**Person:** an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

**Potable:** Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table.

**Principal structure:** The structure in which the main or primary use of the lot occurs or is intended to occur.

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

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

**Principal use:** The main or primary purpose in which a lot is used or intended to be used.

**Public facility:** any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

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

**Residential dwelling unit:** Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

**River:** a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

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

**Restrictive covenant:** A provision in a deed, or other covenant conveying real property, restricting the use of the land.

**Service drop:** any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service

- a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
- b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service

- a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
- b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**Setback:** the nearest horizontal distance to the nearest part of a structure, road, parking space or other regulated object or area.

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

**Sign Area:** The entire face of the sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

**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 or anything constructed or erected on or in the ground as defined in Title 38 M.R.S. § 436-A(12). The term includes structures temporarily or permanently located, such as decks, patios, steps, landings, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A M.R.S. § 4201(5); geothermal heat exchange wells as defined in Title 32 M.R.S. § 4700-E(3-C); or wells or water wells as defined in Title 32 M.R.S. § 4700-E(8).

**Subdivision:** the division of a tract or parcel of land into three or more lots, whether accomplished by sale, lease, development, building or otherwise, in any five-year period. For the purpose of this Ordinance, the term subdivision shall include such developments as shopping centers, condominiums, mobile home parks and campgrounds where there are three or more units involved.

**Substantial start:** completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

**Subsurface sewage disposal system:** any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system..

**Type 0: Micro Wind Energy Facility:** one or more wind turbines, each with a nameplate capacity of less than 1 kW and a turbine height (measured to the top of an upright blade) of 35 feet or less.

**Type 1: Small Wind Energy Facility:** a single wind turbine with a nameplate capacity of 10 kW or less and a turbine height (measured to the top of an upright blade) of 80 feet or less.

**Type 2: Intermediate Wind Energy Facility:** a single wind turbine with a nameplate capacity of less than 100 kW and or a turbine height (measured to the top of an upright blade) of 150 feet or less.

**Type 3: Large/Commercial Wind Energy Facility:** a single wind turbine with a nameplate capacity of 100 kW or a turbine height (measured to the top of an upright blade) of more than 150 feet. Or a WEF composed of two or more turbines each with a nameplate capacity of 1 kW or more. Or a WEF (of any size or number of turbines) 25% or more of whose power is intended for sale or use by entities or persons other than the generator.

**Variance:** a relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

**Water body:** any great pond, river, stream or outlet stream.

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

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

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

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

*Approved at the June 21, 2025 Annual Town Meeting.*

**Validation:**

Eugene R. Caton  
Select Board Chair, signature

Eugene R. Caton  
print name

Janet White  
Select Board Vice Chair, signature

Janet White  
print name

Kenneth Bubbier  
Select Board Member, signature

Kenneth Bubbier  
print name

BARBARA BARNES  
Select Board Member, signature

BARBARA BARNES  
print name

Peter Campbell  
Select Board Member, signature

Peter Campbell  
print name

++++  
Town Clerk Attestation:

Betty Jean Bangs  
Betty Jean Bangs

Date: July 1, 2025