

TOWN OF EDDINGTON
ZONING ORDINANCE

PREPARED BY
EDDINGTON PLANNING BOARD

ENACTED

March 20, 2012

This Ordinance replaces:

Road Design Ordinance
Sign Ordinance
Building Permit/Site Plan Review Ordinance
Zoning Ordinance

Chapter 1: General Provisions	1
101 Short Title:.....	1
102 Authority:	1
103 Purpose:	1
104 Applicability:.....	1
105 Availability:.....	1
106 Validity and Severability:.....	1
107 Conflict with other Ordinances:	1
108. Amendments:.....	1
109 Effective Date:.....	2
Chapter 2: Administration and Enforcement.....	3
201 Code Enforcement Officer:	3
202 Enforcement:	3
203 Planning Board:	3
204 Board of Appeals:.....	4
Chapter 3: Permit and Review Requirements.....	7
301 When a Permit is Required:.....	7
302 When a Permit is not Required:.....	7
303 Permit Review:	7
304 Activities Which Require Multiple Reviews and Permits:.....	8
305 General Permit Requirements:	8
Chapter 4: Review Procedures and Standards.....	9
401 General Review Standards:	9
402 Review Criteria:.....	10
403 Code Enforcement Officer Review:	11
404 Planning Board Review:.....	11
405 Performance Guarantee:	12
Chapter 5: Nonconforming Lots, Structures and Uses	13
501 Purpose:	13
502 General Provisions:	13
503 Non-Conforming Lots:	13
504 Non-Conforming Structures:	14
505 Non-Conforming Uses:	14
Chapter 6: Zoning Districts.....	16
601 Establishment of Districts:	16
602 Location of Districts:.....	16
603 Uncertainty of Boundary Locations:	16

604 Division of Lots by District Boundaries:.....	17
605 District Purpose:	17
606 District Use Chart	18
607 Minimum Dimensional Requirements:	20
608 Exceptions to the Minimum Requirements:	20
609 Multi-Family Density	20
Chapter 7: General Performance Standards	21
701 General Lot Requirements:.....	21
702 Antennas/ Dishes:	21
703 Primary Dwelling and Lot Size:	21
704 Accessory Units.....	22
705 Swimming Pools:.....	22
706	22
707 Outdoor Lighting:	22
708 Outside Material Storage:.....	22
709 Noise Standards:	22
710 Performance Guarantee:	23
Chapter 8: Environmental Performance Standards	25
801 Erosion Control:	25
802 Stormwater:	26
803 Waterbodies:	27
804 Subsurface Waste Disposal:	27
805 Potable Water Supply:	27
806 Phosphorus Control:	28
807 Solid Waste Provisions:.....	28
808 Historic, Archeological, Wildlife Habitat, Scenic Area, and Rare and Natural Area Provisions:	29
809 Earth Moving, Excavation, Removal of Fill or Land:.....	29
Chapter 9: Traffic Access, Roads and Parking Standards	31
901 Traffic Access Standards:.....	31
902 Property Access Standards:	32
903 General Road Design Standards:.....	32
904 Road Design and Construction:.....	34
905 Road Construction Details:.....	35
906 Submission Requirements:	36
907 Road Maintenance:	36
908 Road Inspection Requirements:.....	36
909 Road Acceptance:	37

910 Road Completion:.....	37
911 Parking Standards:.....	38
912 Pedestrian Circulation	38
Chapter 10: Special Activity Performance Standards	39
1001 Home Occupations:	39
1002 Cottage Industry:	39
1003 Commercial Standards:	40
1004 Adult Entertainment:	41
1005 Signs:	41
1006 Manufactured Homes:	42
1007 Manufactured Home Parks, RV Parks, and Campgrounds:	42
1008 Open Space Standards:	44
1009 Junk Yards, Auto Graveyards & Auto Recycling:.....	46
1010 Low Intensity Re-use of Agriculture Structures:	46
Chapter 11: Definitions.....	47

Chapter 1: General Provisions

101 Short Title:

This Ordinance and the accompanying official zoning map or maps shall be known and may be cited as the “Zoning Ordinance, Town of Eddington, Maine”.

102 Authority:

This Ordinance has been prepared in accordance with the provisions of Chapter 239, Title 30 of the Revised Statutes of Maine, as amended, and M.R.S.A 30-A Section 3001.

103 Purpose:

The purpose of this Ordinance is to promote the health, safety, and general welfare of the residents of the Town, to encourage the most appropriate use of land throughout the Municipality; to promote traffic safety, to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsuitable areas, to provide an adequate road system; to promote the coordinated development of un-built areas; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; and to provide for adequate public services, as an integral part of a comprehensive plan for municipal development.

104 Applicability:

The provisions of this Ordinance shall govern the use of all land and structures within the Town of Eddington except for areas subject to the Town of Eddington Shoreland Zoning Ordinance and identified on the Official Shoreland Zoning Map.

105 Availability:

A copy of this Ordinance shall be on file with the Town 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.

106 Validity and Severability:

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

107 Conflict with other Ordinances:

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity for compliance with any other rule, regulation, by-law, permit or provision of law. 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 provision imposing the greater restriction upon the use of the land, buildings or structures shall control.

108. Amendments:

This Ordinance may be amended by a majority vote of a legally called Town Meeting. Such amendments shall be referred to the Planning Board for review. The Board shall have 120 days prior to presentation at a Town Meeting to review the proposed amendment and take action. Amendments submitted by petition of voters, or those to be voted by referendum shall follow the procedures required by law.

108.1 Initiation:

A proposal for an amendment to this Ordinance may be initiated by:

108.1.1 The Planning Board, by a majority vote of the Board;

108.1.2 The Municipal Officers, through a request to the Planning Board;

108.1.3 An individual, through a request to the Planning Board; or

108.1.4 A written petition of a number of registered Eddington voters equal to at least 10% of the voters in the last gubernatorial election.

108.2 Procedures:

108.2.1 Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested. When a change in zoning boundaries is proposed, the application shall state the nature, extent, and location of the boundary change proposed, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. When an amendment is proposed by other than the Municipal Officers or the Planning Board, a fee shall accompany the proposal to cover the costs of hearings and advertisements.

108.2.2 Within 30 days of receiving a request for an amendment, the Planning Board shall hold a public hearing on the proposed amendment, and unless the amendment has been submitted by Municipal Officers or by a petition, the Board shall vote whether to forward, with or without recommendation, the amendment to the Municipal Officers. The Board shall make a written recommendation regarding passage to the Municipal Officers and Legislative Body prior to any action on the amendment by the Municipal Officers.

108.2.3 The Municipal Officers shall hold a public hearing on the proposed amendment. Notice of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least 7 days prior to the hearing. The notice shall contain the time, date, and place of the hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the municipal clerk's office shall be adequate notice.

109 Effective Date:

The effective date of this Ordinance is:

Chapter 2: Administration and Enforcement

201 Code Enforcement Officer:

201.1 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/she shall immediately notify in writing the person responsible for such violation, indicating the nature of the violation and the action necessary to correct it. The Code Enforcement Officer is authorized to order immediate cessation of any development activity, pending action of the Board of Selectmen, as provided in subsection 202 below.

201.2 The Code Enforcement Officer shall maintain a file of all permit applications and maintain a record of all essential transactions of the office, including but not limited to applications submitted, permits granted or denied, variances granted or denied, Planning Board reviews granted or denied, revocation orders violations and fees collected.

201.3 The Code Enforcement Officer may enter any property at reasonable hours, and enter any structure with the consent of the property owner, occupant, or agent to inspect the property or structure for compliance with this Ordinance. If consent is denied, the Code Enforcement Officer may enter the property after obtaining the necessary legal authorization.

201.4 The Code Enforcement Officer shall also administer applications and grant permits within the jurisdiction of Section 606, the District Use Chart, on page 18.

202 Enforcement:

202.1 When any violation of any provision of this Ordinance shall be found to exist, the Board of Selectmen, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all corrective actions and proceedings, including, to require the removal of illegal buildings, structures, additions, or work being done; or any other action to insure compliance with, or to prevent violation of, this Ordinance in the name of the Town.

202.2 Any person, firm or corporation being the owner, contractor or having control or use of any structure or premises who violates any provisions of this Ordinance shall upon adjudication be fined in accordance with the provisions of M.R.S.A. Title 30-A Section 4452. Each day such a violation is permitted to exist after notification by the Code Enforcement Officer shall constitute a separate offense. All fines, costs and attorney fees, including the award of any court cost shall be for use and benefit of the Town of Eddington.

203 Planning Board:

203.1 The Planning Board shall hear and decide upon permit applications and perform other duties as authorized by this Ordinance.

203.2 The Planning Board shall consist of 5 primary members and 2 alternate members.

An alternate member shall become a voting member when so designated by the Chairperson.

203.3 No meeting of the Planning Board shall be held without a quorum of at least 3 members.

203.4 A legal vote shall consist of a majority of the members present and voting.

203.5 Subject to state law, any questions 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 present and voting, except the member who is being challenged.

204 Board of Appeals:

204.1 The Board of Appeals shall have the following powers:

204.1.1 Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or the Planning Board in the administration of this Ordinance.

204.1.2 Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

204.2 Variance Appeals:

204.2.1 Variances may only be granted from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage and setback requirements. Variances shall not be granted for the establishment of any uses otherwise prohibited by this Ordinance.

204.2.2 The Board of Appeals shall not grant a variance unless it finds that strict application of the terms of this Ordinance would result in undue hardship. The term undue hardship shall mean the following:

204.2.2.1 The land in question cannot yield a reasonable return unless a variance is granted.

204.2.2.2 The need for the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.

204.2.2.3 The granting of the variance will not alter the essential character of the locality.

204.2.2.4 The hardship is not the result of action taken by the applicant or a prior owner.

204.2.3 The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes 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.

204.2.4 A recordable version of the variance approval shall be filed by the applicant at the registry of deeds within 90 days of the date of the written approval of the variance or the variance is void.

204.2.5 The Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. The term 'structures necessary for access to or egress from the property' shall include ramps, railings, wall, or roof systems necessary for the safety or effectiveness of the structure.

204.3 Appeal Procedure:

204.3.1 An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such an appeal shall be taken within 30 days of the date of the decision appealed from, and not otherwise, except that the Board, upon showing of good cause, may waive the 30-day requirement. A decision by the Planning Board directing the Code Enforcement Officer to issue a permit shall be deemed the final decision for purposes of appeal.

204.3.2 Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes: A concise written statement indicating what relief is requested and why it should be granted and a sketch drawn to scale showing lot lines, location of structures and other physical features of the lot pertinent to the relief sought.

204.3.3 Upon being notified of an appeal, the Code Enforcement Officer or the Planning Board, as appropriate, shall transmit to the Board of Appeals all the papers constituting the record of the decision appealed from.

204.3.4 The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.

204.3.5 A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

204.3.6 The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision or determination of the Code Enforcement Officer or Planning Board, to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act of the Code Enforcement Officer or the Planning Board only upon a finding that the decision, or failure to act was clearly

contrary to specific provisions of this Ordinance.

204.3.7 The Board shall decide all appeals within 35 days after the close of the public hearing, and shall issue a written decision on all appeals.

204.3.8 All decisions shall become part of the record and shall include a statement of findings and conclusions as well as the reasons or basis thereof, and the appropriate order, relief or denial thereof.

204.3.9 The Board of Appeals may reconsider any decision within 30 days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

204.3.10 An aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within 45 days from the date of any decision of the Board of Appeals.

Chapter 3: Permit and Review Requirements

301 When a Permit is Required:

301.1 A permit is required for the following activities and shall be obtained prior to the start of any construction, site work, development or commencement of land use activity:

301.2 The construction, erection, improvement, addition, enlargement, alteration, demolition or movement of any building or structure larger than 100 square feet.

301.3 The installation or construction of a dwelling unit, manufactured home, modular home and any other form of construction wholly or partially assembled off site. .

301.4 The expansion of a non-conforming use or structure.

301.5 Mineral extraction activities.

301.6 Installation of a sign.

301.7 A new or expanded land use activity as listed in the land use table in Chapter 6 of this Ordinance.

301.8 Any change of use to another use as listed in the land use table in Chapter 6 of this Ordinance.

301.9 Any land use activity which involves moving or adding 300 cubic yards of fill, soil or stone, except for the tilling of soil.

301.10 An annual permit for a Campground, RV Park, or Manufactured Home Park.

302 When a Permit is not Required:

Permits are not required for the following:

302.1 For any use allowed without a permit as indicated in the land use table in Chapter 6 of this Ordinance.

302.2 For normal repair or maintenance.

302.3 For an accessory structure of 100 square feet or less in area and which is not attached to any other structure or building.

303 Permit Review:

303.1 All permits shall be obtained from the Code Enforcement Officer and /or the Licensed Plumbing Inspector after meeting the appropriate review requirements established in this Ordinance. Permits shall be reviewed according to the following:

303.2 Activities listed in the land use table that require Code Enforcement Officer review shall be reviewed by the Code Enforcement Officer.

303.3 Activities listed in the land use table that require Planning Board review shall be reviewed by the Planning Board.

303.4 Activities listed as allowed in the land use table shall not require review but shall conform to the applicable requirements of this Ordinance.

303.5 Plumbing and subsurface wastewater disposal permits shall be reviewed by the Code Enforcement Officer.

303.6 Expansion or enlargements of a non-conforming structure or use, or a change of non-conforming use to another non-conforming use shall be reviewed by the Planning Board.

303.7 The conveyance of a developed and contiguous nonconforming lot as per the requirements of Chapter 5 of this Ordinance shall be reviewed by the Planning Board.

303.8 Annual permits for Campgrounds, RV Parks or Mobile Home parks shall be reviewed by the Code Enforcement Officer.

304 Activities Which Require Multiple Reviews and Permits:

304.1 Applications for activities which are required to conform to one or more of the following: Shoreland Zoning, Floodplain Management and Subdivision and also require a permit and review under the provisions of this Ordinance may be reviewed concurrently by the Planning Board and/or Code Enforcement as applicable.

305 General Permit Requirements:

305.1 Permits: Applications for any permit required by this Ordinance shall be in writing on forms and in content approved by the issuing authority. Forms shall be signed and be directed to the issuing authority.

305.2 Plumbing Permits: No building permit shall be issued for any structure or use involving construction, installation, or alteration or use involving external plumbing unless a permit for such has been obtained by the applicant or his/her authorized agent from the Local Plumbing Inspector according to the requirements of this Ordinance and the State.

305.3 Fees: A non-refundable application fee is required for all applications. No application shall be reviewed until fees are received. Fees shall be determined by the town.

305.4 All permit applications shall be signed by the owner of the property, or a person with right, title or interest in the property, or a duly authorized agent, and such signature shall certify that the information is complete and correct.

305.5 An applicant shall obtain a permit from the Code Enforcement Officer within 90 days after the Planning Board makes a final decision to approve the application. The applicant shall reapply for Planning Board Review according to the requirements of this Ordinance for a new application if a permit is not obtained within the 90-day period.

305.6 A 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 of the permit.

Chapter 4: Review Procedures and Standards

401 General Review Standards:

401.1 On Site Inspection: The Code Enforcement Officer/Planning Board may conduct an on-site inspection of the parcel or buildings connected with the use before considering the application complete as part of the review process. The on-site inspection shall be at a time and in weather conditions which permit adequate inspection of the physical features of the land.

401.2 Public Hearing: The Planning Board shall hold a public hearing regarding the application. Notice of said hearing shall be published in a newspaper of general circulation at least 7 days in advance of the hearing. Property abutters shall be notified by first-class mail of the date, time and place of the public hearing at least 7 days prior to the hearing. If such hearing is held, the Board shall schedule the public hearing within 35 days of deciding to hold the hearing. Failure of a property abutter to receive notification shall not require a new public hearing.

401.3 Decisions: After review of a complete application, the Code Enforcement Officer/Planning Board shall determine whether or not the permit application meets the review criteria contained in this Chapter. The Code Enforcement Officer/Planning Board shall make a written finding of fact to support its decision, and vote to approve the application, approve the application with conditions, or deny the application. The Planning Board shall submit its decision on the application to the Code Enforcement Officer.

401.4 Burden of Proof: The applicant shall have the burden of proof to show that the proposal meets the applicable review criteria and the standards contained in this Ordinance.

401.5 Rights not Vested: The submittal of the permit application to the Code Enforcement Officer or the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of M.R.S.A. Title 1, Section 302. The formal review process shall begin upon determination by the appropriate reviewing authority that a complete application has been received.

401.6 Additional Information and Studies: The Planning Board may, at its discretion, retain expert independent technical assistance to supplement the evidence presented by the applicant. The cost of such expertise shall be borne by the applicant in accordance with the terms of an escrow account set up between the applicant and the Planning Board with assistance from the Town Manager. A permit for any approved application shall not be issued until all the applicable fees are fully paid.

401.7 Waivers: The Planning Board may vote to waive any of the review criteria or submission requirements when it finds that one or more of the review criteria or submission requirements are not applicable to the proposal due to the unique circumstances of the project, or when the applicant has proposed an alternative design that meets the intent of this Ordinance.

401.7.1 The applicant may request a waiver and shall submit all the necessary information to support the waiver request.

401.7.2 The Planning Board shall consider the written waiver request after it deems the application complete. The first item of application review shall be to determine whether a waiver shall be granted. If the Planning Board does not grant the waiver, the applicant shall

submit any required information as applicable to complete the application. The Planning Board may vote to continue the application review until such time as the applicant submits any required information.

401.8 Conditions: The Planning Board/Code Enforcement Officer may attach conditions to the application that it finds necessary to further the purposes of this Ordinance. Conditions are limited to further address items already contained in this Ordinance. A condition may not be imposed to regulate any item not specifically discussed in this Ordinance.

In determining whether conditions are appropriate or necessary, the Planning Board/Code Enforcement Officer shall consider the unique features of the site and surrounding area, the proposed use and proposed structure. All conditions shall be listed on the permit and shall be enforceable under the provisions of this Ordinance.

402 Review Criteria:

The applicant for a permit review shall demonstrate that the proposed use, project or activity meets the review criteria listed below. The Planning Board/Code Enforcement Officer shall approve an application only after making a written finding that all of the following criteria have been met (In making their determination they shall be guided by the performance standards in Chapter 8.):

402.1 The application is complete and the applicable fee has been paid.

402.2 The application conforms to all the applicable provisions of this Ordinance.

402.3 The proposed activity will not cause soil erosion during construction or when complete.

402.4 The proposed activity will not have an adverse impact upon wetlands or waterbodies.

402.5 The proposed activity will provide for adequate storm water management.

402.6 The proposed activity will provide for adequate sewage disposal.

402.7 The proposed activity has sufficient water to meet potable and fire suppression requirements. The proposed activity will not pose an undue risk of fire, and the property will be accessible to emergency vehicles.

402.8 The proposed activity will dispose and treat solid and hazardous waste in conformance with all applicable local, state and federal laws and regulations.

402.9 The proposed activity will not adversely affect the quality or quantity of groundwater.

402.10 The proposed activity will not cause road congestion or unsafe conditions with respect to existing and proposed roads and access points.

402.11 The proposed activity will not have an adverse impact upon scenic, historic or archeological resources, and wildlife and animal habitat.

402.12 The proposed activity shall not have an adverse impact upon historic and scenic areas as identified in the Comprehensive Plan or by the Town.

402.13 The proposed activity will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibration, fumes, odor, dust, glare, or other causes.

403 Code Enforcement Officer Review:

The following requirements shall apply to all those land use activities that require review by the Code Enforcement Officer as listed in the land use table.

403.1 Application Procedure:

Within 14 calendar days of receiving an application, the Code Enforcement Officer shall determine if the application is complete and notify the applicant whether the application is complete, or if incomplete, the materials necessary to make the application complete. The Code Enforcement Officer shall render a final decision on the complete application within 14 calendar days.

403.2 Submission Requirements: A permit application shall contain the following information:

403.2.1 Name, address and telephone number of the applicant and applicant's agent if applicable.

403.2.2 Property location, including map and lot number.

403.2.3 Verification of right, title or interest in the property.

403.2.4 Receipt of the application fee.

403.2.5 Construction schedule, including beginning and completion dates.

403.2.6 Plumbing and subsurface wastewater disposal applications or permits, if applicable.

403.2.7 A complete description of the project, including how the proposal conforms to the review criteria.

403.2.8 A map drawn to scale showing the location, boundaries, elevations, uses and size of the following: site, structures setbacks, parking areas, access points, erosion control, stormwater management, wetlands, waterbodies, easements, rights-of-way, subsurface wastewater test pits and systems, and existing and proposed wells.

403.2.9 A scaled drawing including a floor plan and side, front and rear profiles of any proposed new or enlarged structures.

403.2.10 Any other information necessary to show that the proposal conforms to the applicable review requirements of this Ordinance.

404 Planning Board Review:

The following requirements shall apply to all land use activities that require Planning Board Review as listed in the land use table.

404.1 Application Procedures:

404.1.1 For projects of sufficient complexity, it is advisable to request a pre-application meeting with the Planning Board. This may be initiated by the applicant, the Code Enforcement Officer or the Planning Board.

404.1.2 The applicant shall submit 9 copies of a complete application to the Town Manager or Code Enforcement Officer at least 14 calendar days before a regular scheduled meeting of the Planning Board. The Code Enforcement Officer shall place the application for consideration on the Planning Board agenda and distribute copies of the application to the Planning Board

404.1.3 The Planning Board shall first review the application for completeness. If the application is not complete, the Board shall inform the applicant what materials are required and place the application on the agenda of the next meeting to finish the completeness review. If the application is complete, the Planning Board shall schedule a public hearing on the application. The Planning Board shall make a final decision within 90 days of beginning review of a complete application.

404.2 Submission Requirements:

A permit application shall contain the following information:

404.2.1 All the information required for a Code Enforcement Officer Review.

404.2.2 Waiver request form if applicable.

404.2.3 Engineered drawings showing the location and construction details for all proposed roads.

404.2.4 Traffic data for the site, including an estimate of the amount of traffic to be generated on a daily basis and at peak hour.

404.2.5 Information showing that the applicant has the financial and technical capacity to meet the provisions of this Ordinance and develop the project according to the submitted application.

405 Performance Guarantee:

405.1 The Planning Board shall, as a condition of review approval, require a performance guarantee, as per Section 709, for the construction of a road and may require a performance guarantee for other public improvements such as storm water control features and structures, erosion control, essential services and utilities, buffers and screening and parking when it determines that the construction of such improvements will have an impact upon the development of surrounding area.

Chapter 5: Nonconforming Lots, Structures and Uses

501 Purpose:

It is the intent of this Ordinance to promote land conformities, except that non-conforming conditions that lawfully existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this chapter.

502 General Provisions:

502.1 Except as hereafter 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, moved or altered and no new lot shall be created unless in conformity with all the regulations herein specified for the district in which it is located.

502.2 Non-conforming structures, lots and uses may be transferred, and the new owner may continue the non-conforming use or continue to use non-conforming structure or lot, subject to the provisions of this Ordinance.

502.3 This Ordinance does not require a permit for the normal upkeep and maintenance of non-conforming uses and structures, including repairs or renovations which do not involve expansion of the non-conforming use or structure and such other changes in a non-conforming use or structure as federal, state or local building and safety codes may require.

503 Non-Conforming Lots:

503.1 A legally non-conforming lot of record that existed on the effective date of this Ordinance can be built upon, providing that setbacks can be complied with or the Board of Appeals grants a variance for setbacks.

503.2 No portion of a non-conforming lot of record in existence as of the effective date of this Ordinance shall be sold or otherwise conveyed to create further nonconformity.

503.3 Conveyance of Developed and Contiguous Nonconforming Lots of Record:

The Planning Board shall grant a Conveyance Permit to single or joint owners of said lots after review if said lots met the following conditions:

503.3.1 If two or more contiguous and developed lots of record are in the same single or joint ownership of record at the time of adoption of this Ordinance, and if each lot contains a residence built in conformity with existing regulations at the time of its construction, and each lot currently meets the standards of the State Plumbing Code within its boundaries, they may be conveyed separately or together. Any undeveloped lot of record in the same ownership as a contiguous developed lot (or lots) shall be added to one or divided between said lots to bring them into conformity or closer to conformity with lot sizes in the zone. Said dividing of the undeveloped lot shall be in a manner consistent with the development on the lots to maximize their conformity, and so as not to create another nonconforming lot.

503.3.2 A “developed” lot shall mean one containing a residence. The presence of an accessory building or other structure not containing a dwelling unit shall not constitute development.

503.3.3 The application for a conveyance permit shall contain a plan to show all lots to be conveyed and the dividing of contiguous or intervening vacant lots to said lots drawn to scale, locations of on-site subsurface wastewater disposal systems, a copy of the original deed(s) to the applicant(s) of the lots, and the names of the abutting property owners to all lots on the plan. The applicant shall provide evidence that each lot to be conveyed meets the State Plumbing Code within its boundaries, if requested by the Board.

503.3.4 A developed nonconforming lot of record contiguous to a developed conforming lot of record, both in the same single or joint ownership, may be conveyed separately or together under the provisions of this Section, at adoption of this Ordinance.

504 Non-Conforming Structures:

504.1 A non-conforming structure may be repaired, maintained and improved but shall not be added to or expanded except as follows:

504.1.1 Expansions are permitted if they conform to all the applicable dimensional requirements except lot size and frontage.

504.1.2 Expansions are permitted when they do not cause any further increase in the linear extent of the nonconformity of the existing structure with respect to the required setback from any lot line and will extend no further into a setback area than does any portion of the existing structure.

504.2 A non-conforming structure that is removed or destroyed may be replaced as follows: The structure shall be replaced to conform to the current applicable dimensional requirements to the greatest extent possible taking into account the existing foundation, topography, water supply and sanitary disposal. The Planning Board shall make the determination if the proposal meets the dimensional requirements to greatest extent possible.

505 Non-Conforming Uses:

505.1 A non-conforming use that is discontinued for a period of 12 consecutive months may not be resumed. A use shall be considered discontinued if the property owner's intent is to give up legal right to continue the existing non-conforming use. The property owner's intent shall be judged by some overt act such as, but not limited to, removing advertising signs, removing fixtures, equipments, goods, or by allowing the structure to become dilapidated. The use of land, buildings, or structures shall hereafter conform to the provisions of this Ordinance.

505.2 Whenever a non-conforming use is changed to a conforming use, the property shall thereafter conform to the provisions of this Ordinance.

505.3 A non-conforming use may be changed to another non-conforming use by requesting a permit review from the Planning Board. The Planning Board may approve such a change when it finds that the proposed non-conforming use will not create any more adverse impact or nuisance than the original non-conforming use and the proposal conforms to all the applicable provisions of this Ordinance. In making this determination, the Planning Board shall consider all adverse impacts, including but not limited to the following: noise, lighting, parking, traffic, and environmental impacts.

505.4 A non-conforming use may be expanded by up to 30% in size after obtaining approval from the Planning Board. The Planning Board may approve such an expansion when it finds that

the proposed expansion will not create a nuisance or negative impact upon adjacent properties greater than the existing non-conforming use and that the proposed expansion conforms to all the applicable provisions of this Ordinance. Such an expansion must meet the setback requirements for that zone.

Chapter 6: Zoning Districts

601 Establishment of Districts:

601.1 For the purposes of this Ordinance, the Town of Eddington is divided into the following districts:

Mixed Use District
Commercial District
Rural Residential District
Rural A District
Conservation District
Shoreland District

602 Location of Districts:

602.1 Said Districts are located and bound as shown on the Official Zoning Map, entitled “Zoning Map for the Town of Eddington, Maine,” dated _ or as most recently amended, and on file at the Town Office. The Official Map shall be signed by the Town Manager 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 may be seen at the Town Office. The official zoning map does show Shoreland Zoning Districts, however, said districts are governed by the Shoreland Zoning Ordinance and official Shoreland Zoning Map.

603 Uncertainty of Boundary Locations:

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

603.1 Boundaries indicated as approximately following the centerlines of roads, highways, or alleys shall be construed to follow such centerlines;

603.2 Boundaries indicated as approximately following well-established lot lines shall be construed as following such lot lines;

603.3 Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;

603.4 Boundaries indicated as following railroad lines shall be construed to follow such lines;

603.5 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of natural change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

603.6 Boundaries indicated as being parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

603.7 Where natural or man-made features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered above, the Board of Appeals shall interpret the district boundaries.

604 Division of Lots by District Boundaries:

604.1 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 not extend into the more restricted portion of the lot. The regulations applicable to the more restricted portion are permitted to extend into the less restricted portion.

605 District Purpose:

605.1 Mixed Use District:

Encompasses land in the more densely developed areas of the town. A variety of commercial, residential, governmental and institutional uses exist here, offering convenient access to many kinds of activities. Allowable lot sizes are smaller than in other districts to foster compact development patterns and pedestrian access. It seeks to protect the existing character and to ensure that future development is compatible with the scale and size of existing development.

605.2 Commercial District:

Includes land areas of the town where existing businesses and industry are located and which are well suited to such development due to transportation access. The district seeks to encourage economic development by providing locations appropriate for future business development while setting minimal standards to control the external effects of such activities (noise, dust, fumes, odors, traffic, waste, discharges, etc.) This zone is intended to encourage the concentration of commercial and industrial development to the mutual advantage of customers and merchants, and at the same time, is so located as to prevent undesirable conflict with residential and business uses and reduce traffic congestion in those areas.

605.3 Rural Residential District:

The purpose of this district is to maintain the rural residential character of the Town, to provide open spaces, and provide for single-family residential dwellings. Single family and two family residential units are permitted as well as home occupations. Subdivisions must be designed as Open Space developments to encourage the preservation of rural land areas.

605.4 Rural A District:

This zone is intended to maintain the rural character of the Town, protect agricultural and forestry uses, provide open spaces for wildlife habitat, and provide for single-family residential dwellings with larger lot sizes. Single-family residential units are permitted, along with home occupations. Subdivisions will have to be designed as Open Space Developments to maximize the preservation of rural land areas. Natural resource-based businesses and/or industries (such as outdoor recreation, greenhouses, and stables) and commercial development of agricultural and commercial forestry operations are permitted.

605.5 Conservation District:

This district is restricted to forestry uses and research.

605.6 Shoreland District:

See separate Shoreland Zone Ordinance

606 District Use Chart

Legend

COM: Commercial District

MD: Mixed Use District

RR: Rural Residential

RA: Rural A District

C: Conservation District

Y: Allowed without permit

N: Not allowed

C: Allowed with CEO Review

P: Allowed with Planning Board Review

Activity	COM	MD	RR	RA	C		
Commercial and Industrial Uses							
Adult entertainment	P	N	N	N	N		
Auction Facility, Antique Sales	P	P	N	P	N		
Bed and Breakfast	N	P	P	P	N		
Commercial greenhouse	P	P	P	P	N		
Commercial Kennel	P	N	N	P	N		
Commercial/Service Less than 3,000 square feet	P	P	N	N	N		
Commercial/Service more than 3,000 square feet	P	N	N	N	N		
Cottage industry	C	P	P	P	N		
Essential Services	C	C	C	C	C		
Fuel storage/ distribution	P	N	N	N	N		
Indoor Commercial Recreation/Amusement	P	P	P	N	N		
Junk yards, Auto Graveyard, Auto Recycling	P	N	P	N	N		
Kiosks	P	P	N	N	N		
Portable sawmills	C	C	C	C	C		
Public Accommodation/Hotel/Motel	P	N	N	N	N		
Restaurant	P	P	N	N	N		
Self-storage	P	P	P	N	N		
Storage/warehouse	P	N	N	N	N		
Transfer Station/Recycling/Waste Handling	P	N	N	N	N		
Truck/Freight terminal	P	N	N	N	N		
Vehicle repair/service	P	P	N	N	N		
Vehicle sales	P	P	N	N	N		
Veterinary Clinic	P	P	P	P	N		
Institutional, Educational and Governmental Uses							
Assembly/meeting space	P	P	N	N	N		
Cemetery and crematoriums	N	P	P	P	N		
Churches	P	P	P	N	N		
Day Care or Nursery School	P	P	P	P	N		
Community Nonprofit	P	P	N	N	N		
Government offices and structures	P	P	N	N	N		
Hospitals/ Clinics	P	P	N	N	N		
Nursing Homes & Congregate Care	P	P	N	N	N		
Schools/Educational Facilities	N	P	P	N	N		
Social and Fraternal Organizations	N	P	P	N	N		

Activity	COM	MD	RR	RA	C		
<u>Residential Uses</u>							
Accessory Uses and Structures	C	C	C	C	C		
Boarding, Rooming or Lodging House	N	P	N	N	N		
Community Living Facility	N	C	C	C	N		
Home Office	Y	Y	Y	Y	Y		
Home Occupations	P	P	P	P	N		
Manufactured Home	N	C	C	C	N		
Manufactured Home Park	N	P	N	N	N		
Multi-family Dwelling	N	P	P	N	N		
Open Space Development	P	P	P	P	N		
Senior Housing Development	N	P	P	N	N		
Single Family Dwelling	N	C	C	C	N		
Two Family Dwelling	N	C	C	C	N		
<u>Rural Uses</u>							
Agriculture (excluding livestock)	N	Y	Y	Y	N		
Agriculture (including livestock production)	N	C	C	C	N		
Agricultural Processing Facility	P	N	N	N	N		
Small Scale Animal Keeping	N	Y	Y	Y	N		
Campgrounds/RV Parks/Sporting Camps	N	P	P	P	N		
Horticulture/Silviculture/	N	Y	Y	Y	Y		
Individual Private Campsite	N	C	C	C	N		
Re-Use of Existing Agricultural Buildings	P	P	P	P	P		
Log yards	P	N	P	P	P		
Lumber mills/Sawmill	P	N	P	P	N		
Passive Outdoor Recreation	Y	Y	Y	Y	Y		
Resource Extraction, Mining	N	N	P	P	P		
Riding Stables	N	P	P	P	N		
Roadside Farm stands	Y	Y	Y	Y	Y		
Timber harvesting	Y	Y	Y	Y	Y		
Earth moving /Fill 0 to 300 cu. Yards cumulative total of material	Y	Y	Y	Y	Y		
Earth Moving/ Fill between 300 & 1,000 cu. yards accumulative total of material	C	C	C	C	C		
Earth Moving/Fill more than 1,000 cu. Yards accumulative total of material	P	P	P	P	P		
Water Extraction	N	N	N	N	N		

607 Minimum Dimensional Requirements:

All structures are subject to the following dimensional requirements, except accessory residential structures.

Legend

COM: Commercial District MD: Mixed Use District

RR: Rural Residential RA: Rural A District C: Conservation District

	COM	MD	RR	RA	C
Lot Size Acres	1 acre	1 acre	2 acres	4 acres	10 acres
Road Frontage	100 ft.	100 ft.	200 ft.	400 ft.	400 ft.
Front Setback	30 ft.	30 ft.	30 ft.	30 ft.	100 ft.
Side Setback	15 ft.	15 ft.	25 ft.	50 ft.	50 ft.
Rear Set Back	15 ft.	15 ft.	20 ft.	50 ft.	50 ft.
Height-Maximum	35 ft.				
Shore Frontage	200 ft.				

- All dimensions are in feet unless otherwise indicated
- All dimensions to be measured from the applicable boundary property lines
- All side, rear and front setbacks are measured between the property boundary and the closest portion of a structure including eaves, porches, decks, steps, and similar building features .

608 Exceptions to the Minimum Requirements:

608.1 Accessory residential structures may be set back from side and rear lot lines a minimum of 10-feet

608.2 The following are exempt from the height requirement windmills, telecommunication towers, and chimneys.

608.3 Any lot legally existing prior to the enactment of this Ordinance and located in the Rural Residential or Rural A Districts which is less than the minimum lot size as established in the Minimum Dimensional Table may conform to the setback requirements in effect prior to the enactment of this Ordinance.

609 Multi-Family Density

609.1 Mixed use District

The multi-family density in the Mixed Use District is one acre for each of the first two dwelling units and 20,000 square feet for each additional unit.

609.2 Rural Residential District

The multi-family density in the Rural Residential District is 2 acres for each of the first two units and one acre for each additional unit.

609.3 Rural A District

The multi-family density in the Rural A District is 4 acres for each of the first two units and 2 acres for each additional unit.

Chapter 7: General Performance Standards

701 General Lot Requirements:

701.1 If more than one principal building is constructed on a lot, all dimensional requirements shall be met separately for each principal building except as allowed as per section 703 of this chapter.

701.2 No part of a 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.

701.3 New lots shall have side lot lines perpendicular to the road to the greatest extent practical.

701.4 Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels to meet minimum lot requirements are prohibited.

701.5 The required road frontage for a corner lot shall be measured along a single lot line separating the lot from one of the roads. All structures placed on a corner lot shall meet the required road front setback from each road.

701.6 Road frontage along a road curve shall be measured along the road curve.

701.7 The required road frontage for a lot shall not be reduced by the location of a driveway, common driveway, entrance, or a road serving another lot.

701.8 The minimum right-of-way for any driveway, common driveway, or entrance shall be a minimum of 60 feet.

702 Antennas/ Dishes:

702.1 The location of all freestanding antennas and dishes shall meet the setback requirements of the district in which it is located.

703 Primary Dwelling and Lot Size:

703.1 Owners of single family dwellings may add a single accessory housing unit regardless of the lot size and density requirement for the district in which the property is located, provided they comply with all the requirements, including minimum lot size, of this section.

703.1.1 The unit would be created in an owner-occupied single family dwelling or an attached garage.

703.1.2 The floor area of the accessory unit would be no more than 800 square feet.

703.1.3 The accessory unit shall not be deeded separately or converted into condominium ownership

703.1.4 All applicable requirements of the State of Maine Plumbing Code and Subsurface Wastewater Disposal Rules shall be met. The septic system must be adequate to accept additional living space. All applicable requirements of current State and Federal Electrical and Building Codes shall be met.

704 Accessory Units

704.1 To allow attached dwelling units as long as they meet all setback requirements except lot size. (800 square feet, 1 accessory unit per lot size, not conveyed separately and attached or part of the primary dwelling.)

704.2 A detached building is permitted if it meets all requirements including minimum lot size.

705 Swimming Pools:

705.1 A fence shall be erected and maintained around every in-ground private or public swimming pool. The fence shall be a minimum of 4-feet in height above ground level and shall have no openings greater than 4-inches in diameter. All gates or doors through the fence enclosure shall be capable of being securely fastened. A structure or building may be used as part of the enclosure.

706

This section reserved for future use and is intentionally left blank.

707 Outdoor Lighting:

707.1 The outdoor lighting standards shall apply to all land use activities except for residential dwellings and agricultural activities.

707.2 Lighting fixtures shall be shielded and hooded so that the lighting fixture is not exposed to normal view by motorist, pedestrians, and buildings located on adjacent properties. Light shall be directed downward so as not to light up the night sky.

707.3 Outdoor lighting shall not produce a strong, dazzling light, flashing or reflection of light beyond the property lines onto adjacent properties. The light level at all property lot lines shall not exceed 0.5 foot-candles as measured at ground level.

708 Outside Material Storage:

708.1 Outside material storage standards shall apply to all land use activities except residential dwellings.

708.2 Outdoor storage areas used for the collection of solid waste, vehicles, junk automobiles, vehicle parts, building materials, machinery, sand and gravel, or other such items shall be screened from the view of all property lines. Walls, fences, vegetation or a combination of materials may be used for the screen.

708.3 Materials displayed outside for sale at commercial establishments are permitted and shall conform to the commercial standards contained in Chapter 10 of this Ordinance.

709 Noise Standards:

709.1 The following uses shall comply with the noise standards: all new and expanded or enlarged existing commercial and industrial uses as listed in the District Use Chart; new and

expanded or enlarged existing lumber/sawmills, resource extraction/mining uses, and re-use of existing agriculture buildings.

709.2 The proposed development shall not cause the background noise level to increase by 10 Decibels (DBA) during the day and 5 DBA at night. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, other emergency or public safety devices and temporary noise such as construction activity are exempt from these requirements. In no case shall the ambient noise level as measured from the property boundary exceed the following absolute noise criteria:

The maximum permissible noise from any continuous, regular, or frequent source of sound within a development shall be no more than 60 decibels between the hours of 7: 00 a.m. to 9:30 p.m. and 45 decibels at other times unless more strictly specified elsewhere in this ordinance for a given activity.

709.3 Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.-1961) "Specification for General Purpose Sound Level Meters." Sound levels shall be measured at least 4 feet above ground level at the property boundary.

709.4 The applicant is responsible for measuring noise levels. Background noise levels shall be measured at each property boundary line. A day and night reading shall be taken at the same location along each of the property boundary lines. Readings shall not be taken when construction activity, abnormal traffic conditions or other extraordinary conditions are occurring within 500 feet of the property boundary.

709.5 The applicant shall modify the development as necessary to ensure that the noise emanating from the project conforms to the noise limits set forth in this section. The applicant shall provide the Planning Board written certification from an engineer or other appropriate professional that the noise measurements are accurate and the noise from the completed development will conform to this section.

710 Performance Guarantee:

710.1 These standards for a performance guarantee shall be followed whenever required by this Ordinance. When required, the applicant shall submit the appropriate performance guarantee to the Code Enforcement Officer or the Planning Board as applicable.

710.2 The performance guarantee shall include one of the following:

710.2.1 A cashier check, in an amount equal to the expense of installing the public improvements, made payable to the town.

710.2.2 A performance bond, in an amount equal to the expense of installing the public improvements, made payable to the town, issued by a surety company.

710.2.3 A conditional agreement with the Town, in a form suitable for recording at the Penobscot Registry of Deeds, shall be recorded at the registry with the condition whereby no portion of the project may be sold or no building permit or certificate of occupancy issued until the applicant installs all public improvements required by Section 405.1. A phased development plan may be incorporated into the conditional agreement. This agreement shall be binding with all heirs, successors and assigns.

710.2.4 An irrevocable letter of credit from a bank or other lending institution that indicates that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

710.3 The Planning Board or the Code Enforcement Officer as applicable, prior to approval of the application, shall consult with the Selectmen on the terms proposed by the applicant for the performance guarantee. The Selectmen may determine that the amount of the cashier check or performance bond or the terms of the performance guarantees be amended or revised. The Planning Board or the Code Enforcement Officer shall require that any determination made by the Selectmen be incorporated into the performance guarantee.

710.4 Prior to the release of the performance guarantee, the Code Enforcement Officer and the Town Manager shall determine that the proposed improvements meet or exceed the design, construction and inspection requirements specified in this Ordinance, development plans and the subdivision Ordinance as applicable.

710.5 The applicant shall submit to the town all inspection reports required by Ordinances of the Town of Eddington indicating that the proposed public improvement complies with all Ordinance requirements.

710.6 If the Code Enforcement Officer or the Selectmen finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall take any steps necessary to preserve the town's rights, including but not limited to proceeding against the performance guarantee.

Chapter 8: Environmental Performance Standards

801 Erosion Control:

801.1 Purpose Erosion control measures are necessary to ensure that soil and sediment do not flow into waterbodies, drainage structures, road drainage ditches and structures, and neighboring properties.

801.2 Applicability: All activities which involve filling, grading, excavation, soil disturbance and other similar activities which result in unstable soil conditions shall conform to the requirements of this subsection. Any of the above listed activities which also require a permit according to this Ordinance shall include a written soil erosion control plan with the permit review application.

801.3. Plan: The erosion control plan shall address the following:

801.3.1 Temporary runoff control features.

801.3.2. Permanent stabilization structures.

801.3.3 Mulching and re-vegetation of disturbed soils.

801.4 Maintenance: The applicant, property owner or agent shall be responsible for maintaining all erosion control features until the site is permanently stabilized. Any soil or sediment that flows into a waterbody, drainage structure, road drainage ditches and structures or onto neighboring property shall be removed by the applicant, property owner or agent at the applicant's expense.

801.5 Standards: All erosion control measures shall conform to the "Maine Erosion and Sediment Control Best Management Practices," published by the Maine Department of Environmental Protection, March 2003, as revised.

801.6 Additional Standards:

801.6.1 In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slope where high cuts and fill may be required shall be avoided where possible, and natural contours shall be followed as closely as possible.

801.6.2 Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

801.6.3 Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, using riprap, sod, seed and mulch, or other effective measures. In all cases, permanent stabilization shall occur within 9 months of the initial date of exposure.

802 Stormwater:

802.1 General Standards:

All new construction and development shall be designed to minimize storm water runoff from the site in excess of natural predevelopment conditions, and to prevent off-site damage to public or private property. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters. When the storm water is directed off-site, adequate provision shall be made for disposal of all storm water and any drained ground water through a management system of swales, culverts, under-drains and storm drains.

802.2 Additional Standards:

802.2.1 The additional standards shall apply to all developments that have a cumulative total of 3,000 square feet of all structure footprints, contains more than 10,000 square feet of impervious area or are a subdivision.

802.2.2 A storm water control plan shall be designed by a professional engineer. All storm water features shall be designed in conformance with "Stormwater Management for Maine: Best Management Practices," published by the Maine Department of Environmental Protection, 1995 or as most recently amended. A stormwater control plan that is developed according to the requirements of the Department of Environmental Protection Regulations, Chapter 500, Stormwater Management and Chapter 502, Direct Watersheds of Waterbodies Most At Risk from New Development, shall be deemed to be a suitable equivalent to these standards with the approval of the Code Enforcement Officer.

802.2.3 All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and 25-year, 24-hour duration frequencies based on rainfall data for Bangor, Maine.

802.2.4 The stormwater system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

802.2.5 Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the development. The applicant shall be responsible for financing any improvements to the existing drainage system required to handle the increased storm flows.

802.2.6 The developer shall not increase the rate of or obstruct the flow of drainage into any adjacent land, any ditch or drainage structure existing on any road or other location within the jurisdiction of the town by the construction of any development including a driveway, entrance, or road.

802.2.7 The minimum pipe size for any storm drainage pipe shall be 15 inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. The pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom the pipe extending to six inches above the top of the pipe. The minimum culvert pipe length shall be 20 feet.

803 Waterbodies:

803.1 The location of all rivers, streams, brooks, ponds, wetlands and drainage ways shall be identified on all permit applications. Beginning with Habitat Maps, Shoreland Zoning Maps, Topographic Maps, and data from the most recent comprehensive plan shall be used to identify waterbodies.

803.2 All structures and impervious areas shall be setback from all waterbodies in conformance with applicable requirements of the Town of Eddington Shoreland Zoning Ordinance, and all state laws and regulations.

803.3 Waterbodies shall not be developed or disturbed unless the applicant obtains all necessary permits from state and federal agencies. The applicant shall include evidence that all necessary state and federal permits have been obtained prior to a permit being issued.

803.4 Additional Standards:

803.4.1 The additional standards shall apply to all subdivisions and any other development which requires additional stormwater measures as per section 802.2

803.4.2 An on-site wetland delineation shall identify all wetlands on the property regardless of size. The wetlands shall be shown on a site map of the proposed development indicating their boundaries.

804 Subsurface Waste Disposal:

804.1 The installation of all water supply and subsurface wastewater disposal systems shall conform to the most recent edition of the Maine State Plumbing Code. Plumbing and sewage disposal systems shall be installed only after a plumbing permit has been obtained.

804.2 Whenever a subsurface wastewater system is proposed, the applicant shall submit a disposal permit application (form HHE-200 and any other applicable data) for any new lot or expansion of an existing system in order to obtain a permit.

804.3 An application for a subdivision which requires subsurface wastewater disposal shall include evidence that each proposed lot has suitable soils to support the proposed development. A test pit location shall be shown for each lot and marked on the subdivision plan. Soil data for each test pit location shall include all the pertinent information contained on page one of the HHE-200 subsurface wastewater application form.

804.4 Central subsurface wastewater collection systems may be used in conformance with the Maine Subsurface Wastewater Disposal Rules and the following: The ownership, maintenance, future replacement and liability of the central collection system shall be included with the application. An ownership association shall be developed whenever different owners use a common disposal system. Deed covenants for each lot owner shall require mandatory membership in the association.

805 Potable Water Supply:

805.1 An adequate supply of potable water shall be supplied to all buildings and structures used for human habitation and whenever required by town or state requirements.

805.2 Water proposed to be used for structure fire prevention/suppression shall be designed by appropriate professionals and shall be reviewed and approved by the Eddington Fire Department.

805.3 All subdivision applications shall include documentation from a hydrologist or a well driller familiar with the area, stating that adequate water is available to meet the projected demands of the development.

805.4 Any proposed subdivision shall connect to a public water supply if public water supply lines are located within 500 feet of the property line of the subdivision, including any reserved land area.

805.4.1 The applicant of a proposed subdivision shall obtain from the water district a signed statement indicating that an adequate supply of water is available to supply the current and anticipated needs of the subdivision.

805.4.2 The cost of the water supply extension shall be the sole responsibility of the subdivision applicant.

806 Phosphorus Control:

806.1 These standards shall apply to campground proposals, all developments that contain structures with a footprint greater than 3,000 square feet and/or more than 10,000 of impervious area, and subdivisions or developments that are wholly or partially located within the direct watershed of a Great Pond.

806.2 A phosphorus control plan shall be developed in accordance with the design criteria contained in the most recent edition of "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development," published by the Maine Department of Environmental Protection, revised September 1992.

807 Solid Waste Provisions:

807.1 All activities shall provide for the disposal of all solid wastes on a timely basis and in an environmentally safe manner.

807.2 At the time of application, the applicant shall specify the amount and exact nature of all waste to be generated and indicate how the materials will be disposed. A plan to dispose of all industrial or chemical wastes shall also be submitted indicating how the materials will be stored, handled and disposed to an approved facility in conformance with all applicable state and federal regulations.

807.3 All outdoor refuse containers shall be kept in such a manner as to prevent the breeding and harboring of insects, rats, or other vermin. This shall be accomplished by enclosures, raising materials above the ground, separation of material, prevention of standing water, extermination procedures or similar means.

808 Historic, Archeological, Wildlife Habitat, Scenic Area, and Rare and Natural Area Provisions:

808.1 All proposed new development shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and rare and natural areas. If any of these areas are on the site, a protection plan shall be developed according to the following:

808.1.1 If any portion of the site is designated as a significant archeological or historic site by the Maine State Historic Preservation Commission, Comprehensive Plan, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations. The applicant shall review the archeological predictive maps, and historic areas identified by the Maine State Historic Preservation Commission to determine the status of the development site.

808.1.2 The Natural Areas Program data and scenic areas identified by the Town of Eddington shall be reviewed to determine the status of the site. If any portion of the site is within an area designated as a scenic area or a unique natural area by the Maine Natural Areas program, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.

808.1.3 The Code Enforcement Officer or the Planning Board may require the applicant to consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist to further evaluate the site or to develop a habitat protection plan for the site. If any portion of the site is within a wildlife habitat area, the applicant shall develop measures to protect these areas from environmental damage and habitat loss. The applicant shall review the wildlife data as identified by the Beginning with Habitat Maps for the Town of Eddington to check the status of the site.

808.1.4 Wildlife habitat areas shall include the following:

808.1.4.1 Habitat of endangered species appearing on the official state or federal list of endangered or threatened species.

808.1.4.2 High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.

808.1.4.3 Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

809 Earth Moving, Excavation, Removal of Fill or Land:

809.1 General:

809.1.1 The following provisions shall apply to excavation, removal of fill or soil, earth loam, sand gravel, rock, peat, and/or other deposits. Excavation, removal, fill of land, or other earth moving activity which would result in erosion, sedimentation, impairment of water quality, or fish and aquatic life is prohibited. All land filling or deposit of demolition debris, hazardous waste, industrial waste, sludge, petroleum products, tires, radioactive waste and white goods are prohibited without prior approval by the Maine Department of Environmental Protection.

809.1.2 Excavation, removal or fill activities not requiring a permit. The following activities shall be allowed without a permit.

809.1.2.1 The excavation, removal or fill of 0 to 300 cubic yards accumulative total of material from or onto any lot.

809.1.2.2 Excavation, removal or fill activities associated with the construction of any structure for which a valid building permit or a valid plumbing permit has been issued.

809.2 Review and Permit Required:

809.2.1 All excavation, removal or fill activities not exempt in Section 809.1.2 of this Ordinance shall require a permit before the activity is commenced. In addition to the information required for a permit, the applicant shall present a conservation plan for the operation of the activity and the restoration of the land. Such plan shall indicate the manner of operation of the activity; it shall include provision for preventing erosion, siltation, sedimentation, and runoff; and it shall include plans for temporary and permanent conservation practices. The restoration plan shall indicate how the site will be stabilized and re-vegetated at the completion of the operation, the expected completion date, and the final relief of the land after it has been restored. The site restoration shall be completed within one year after the operation is completed. The operation area should be vegetated within one year.

809.2.2 All excavation, removal and fill operations shall be subject to the following conditions:

809.2.2.1 No earth moving activity shall be conducted within 50-feet of a property or right-of-way line, except in the case when a tract of land is contiguous to another active earth moving activity of a similar nature. In such case, the setback may be common to both tracts. No required setback area shall be disturbed or undercut, but shall be allowed to remain in its natural state.

809.2.2.2 All activities shall conform to the erosion control, phosphorus control and stormwater management standards contained in this Ordinance.

809.2.2.3 All fill material shall be graded in a timely manner and shall not be allowed to accumulate in piles or mounds.

809.2.2.4 The smallest amount of bare ground shall be exposed for the shortest time feasible. Stumps, slash, boulders and other material, except for soil, shall not be visible from any public road.

809.2.2.5 All exposed ground shall have a temporary or permanent vegetative cover or mulch cover installed by November 1st.

809.2.2.6 The hours of operation shall be limited to 7:00 am and 7:00 pm.

Chapter 9: Traffic Access, Roads and Parking Standards

901 Traffic Access Standards:

901.1 Applicability: The traffic access standards shall apply to all new or expanded driveways, entrances and roads. All driveways, entrances and roads that access onto a state road shall also comply with all applicable Maine Department of Transportation (MDOT) design standards.

901.2 Standards:

901.2.1 The number of access points shall be the minimum necessary to assure safe and proper vehicular access to the site. No more than two access points onto a single roadway will be allowed unless the Planning Board finds that additional access is necessary based upon the results of a traffic study. Where more than one road abuts the development, the Planning Board may require the developer to access the site exclusively from only the road with less potential for congestion and traffic hazard.

901.2.2 All roads which can be expected to carry traffic from the development shall have sufficient capacity or be suitably improved to accommodate the amount and types of traffic generated by the development.

901.2.3 Access points shall be designed to have sufficient capacity to avoid the stopping or standing of vehicles attempting to enter the development from the road. Where necessary the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, or other traffic controls within the road. All such installations shall conform to the standards in the "Manual on Uniform Traffic Control Devices" published by the American Traffic Safety Services Association.

901.2.4 All access points shall be located to provide sight distance of 10 feet for each mile per hour of posted speed limit in both directions. Sight distance is measured from a point 10 feet behind the edge of the traveled way, with the height of the eye at 3 ½ feet, to the top of an object 4 ½ feet above the road surface.

901.2.5 All access points shall intersect the road at an angle as nearly to 90 degrees as site conditions permit, but in no case less than 75 degrees.

901.2.6 The curb radius for two-way entrances and roads shall be at least 20 feet. The curb radius for one-way entrances and roads with median islands shall be between 5 and 10 feet on the inside corner and at least 30 feet on the outside corner.

901.2.7 The width of an entrance and road shall be between 20 and 26 feet. For entrances and roads with a median island, the width shall apply to each side. Where truck traffic is a major element, the width may be increased to 40 feet.

901.2.8 From the edge of the traveled way, the access point should not exceed a grade of 3% for a minimum of 20 feet as site conditions permit, but in no case shall the grade exceed 8%.

901.2.9 All driveway and entrances shall be designed so that all maneuvering and parking of any vehicle shall take place outside of the right-of-way of the road and such that vehicles may exit the premises without backing onto the shoulder of the road.

902 Property Access Standards:

902.1 Applicability: All lots, developments and property shall have an access provided by a driveway, entrance, or road as defined in this section. No access may be granted on a lot that would make that lot non-conforming due to resulting insufficient frontage or acreage.

902.2 Driveway and Common Driveway Standards:

902.2.1 A driveway or common driveway may serve a residential dwelling which also includes a home occupation or cottage industry.

902.2.2 A driveway may serve one residential dwelling and shall have a minimum width of at least 10 feet.

902.2.3 A common driveway may serve up to two residential dwellings and shall have a minimum width of 12 feet and a minimum right-of-way of 60 feet.

902.3 Entrance:

An entrance shall serve a commercial and other nonresidential development and only provide access to a parking area or similar area designed for vehicle parking.

902.4 Rural/woodlot Way:

A right-of-way or similar way providing access to an undeveloped lot or lots which contain no buildings may be used but shall be upgraded to a driveway, common driveway, entrance or road when improved or developed.

902.5 Roads:

A road shall provide access to any property, lots or development not served by a driveway or entrance and shall be designed according to one the following:

902.5 .1 Rural road shall serve up to 10 residential dwellings or a development creating no more than 120 vehicle trips per day.

902.5.2 Local road shall serve between 11 and 30 dwellings or a development creating no more than 330 vehicle trips per day.

902.5.3 A major road shall serve more than 31 dwellings or a development creating more than 330 vehicle trips per day.

903 General Road Design Standards:

903.1 The centerline of the road shall be the centerline of the right-of-way to the greatest extent possible.

903.2 Any subdivision of 20 or more housing units and any commercial development expected to generate at least 200 vehicle trips per day shall be designed whenever possible to have at least two improved connections with existing or planned road.

903.3 Dead end roads shall be constructed to provide a cul-de-sac or T-type turnaround. A cul-de-sac shall be designed with a minimum pavement radius of 50 feet to the outer edge and 30 feet to the inner edge. A T-shaped turnaround shall be designed with two pavement extensions perpendicular to the road and extending a minimum of 60 feet from the centerline.

903.4 The Planning Board may require the reservation of a 50-foot right-of-way easement at the turnaround to provide for future continuation of the road.

903.5 All roads shall be designed to provide safe vehicular travel and traffic patterns. Insofar as possible, roads shall conform to existing topography, and excessive cuts and fills shall be avoided.

903.6 The intersections and common boundaries of subdivision roads shall be continuous and in alignment with existing roads whenever possible. New roads shall be designed to provide for the continuation of the road into adjoining land unless topography or other environmental features preclude future expansion.

903.7 All road names shall be subject to approval by the Board of Selectmen.

903.8 Drainage for all roads shall be designed in accordance to the stormwater standards in this Ordinance. Drainage shall be designed to prevent standing water on the road surface or the shoulder. No surface drainage shall be conveyed across a road surface or shoulder from another connecting road, driveway or entrance.

903.9 All subdivisions consisting of 4 or more lots shall contain provisions for vehicular connections to future projects on adjacent properties or the same lot whenever feasible.

903.10 The applicant is responsible for selecting the appropriate road classification for the size and density of the development. Future development which depends on the road for access is limited based upon the road classification.

903.11 The developer or applicant shall be responsible for upgrading and improving an existing road to these standards to accommodate any proposed expansion or new development which will be served by the existing road.

903.12 Driveways, Common Driveways and Entrances shall not be eligible for consideration for public acceptance. Only rural, local and major roads designed and constructed to according to the requirements of this Ordinance and with a bituminous pavement surface shall be eligible for consideration for public acceptance.

903.13 All new paved roads shall have striping applied to the centerline and along the shoulder.

903.14 Major roads shall be designed for a design speed of 45 miles per hour and all other roads shall be designed for a 35 mile per hour design speed.

904 Road Design and Construction:

904.1 Road Construction Standards Table:

	Major Road	Local Road	Rural Road
Right-of-way	60 feet	60 feet	60 feet
Travel Way width	24 feet	22 feet	20
Shoulder width	4 feet	3 feet	3 feet
Roadway crown	2%	3%	3%
Minimum centerline radii on curves	350 feet	250 feet	250 feet
Minimum tangent length between reverse curves	200 feet	150 feet	150 feet
Minimum grade within 75 feet of all intersections	3%	3%	3%
Maximum grade centerline	8%	8%	8%
Minimum fill slope	3/1 rear slope 4/1 front slope	3/1 rear slope 4/1 front slope	3/1 rear slope 4/1 front slope
Shoulder grade	1/2 inch per foot	1/2 inch per foot	1/2 inch per foot
Minimum culvert	18 inch dia.	15 inch dia.	15 inch dia.

904.2 Road Construction Materials Table:

	Major Road Note # 1	Local Road Note # 2	Rural Road Note # 2
Subbase course	18 inches	18 inches	18 inches
Base course	6 inches	6 inches	6 inches
Surface course for a gravel road	n/a	4 inches	4 inches
Surface course for a bituminous surface	Base 2 1/2 Surface 1 1/2	Base 2 Surface 1 1/4	Base 2 Surface 1 1/4

Note # 1 All major roads shall have a bituminous road surface.

Note # 2 Unpaved Local and Rural Roads are not eligible for public acceptance. See 903.12.

904.3 Gravel Subbase Materials Specifications:

The gravel subbase shall be gravel of durable particles free from vegetative matter, lumps or balls of clay and other deleterious matter. The gradation of the part that passes a 3-inch square sieve shall meet the grading requirements below. The maximum stone size shall be 6- inches.

Sieve Designation	Percentage by Weight Passing Square Sieve
¼ inch	25% – 70%
No. 40	0% - 30%
No. 200	0% - 5%

904.4 Gravel Base Material Specifications:

The gravel subbase shall be gravel of durable particles free from vegetative matter, lumps or balls of clay and other deleterious matter. The gradation of the part that passes a 3-inch square sieve shall meet the grading requirements below. The maximum stone size shall be 4-inches.

Sieve Designation	Percentage by Weight Passing Square Sieve
½ inch	45% - 70%
¼ inch	30% – 55%
No. 40	0% - 20%
No. 200	0% - 5%

904.5 Surface Gravel Material Specifications:

Surface gravel for use on gravel roads shall have no stone larger than 2- inches in size and shall meet the grading requirements below. The gradation of the part that passes a 3-inch square sieve shall meet the grading requirements below.

Sieve Designation	Percentage by Weight Passing Square Sieve
2-inch	95% - 100%
½ inch	30% – 65%
No. 200	7% - 12%

904.6 Bituminous Pavement Specifications:

The minimum standards for the base layer of pavement shall be MDOT specifications for plant mix grade “B” with an aggregate size of no more than ¾ maximum. The minimum standard for the surface layer of the pavement shall meet MDOT specifications for plant mix grade “C” or “D” with an aggregate size of no more than ½ maximum.

905 Road Construction Details:

905.1 Before any clearing has started on the right-of-way, the centerline and sidelines of the road shall be staked or flagged at 50-foot intervals.

905.2 Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush and other similar materials. All ledge, large boulders and tree stumps shall be removed from the right-of-way.

905.3 All organic materials shall be removed to a depth of 2-feet below the subgrade. Rocks and boulders shall be removed to a depth of 2-feet below the subgrade.

905.4 On soils which have been identified as not suitable for roads, the subsoil shall be removed to a depth of 2-feet below the subgrade and replaced with material meeting the specifications for the gravel subbase course. Road fabric material shall be used as deemed necessary by the Road Commissioner.

906 Submission Requirements:

906.1 The applicant shall submit detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed road. The plan shall be at a scale of one inch equal no more than 50 feet. The vertical scale shall be one-inch equal no more than 5 feet. The plan shall include the following information:

- (1) Date, scale and north point.
- (2) Intersections of the proposed road with existing roads.
- (3) Roadway and right-of-way limits, including edge of pavement and edge of shoulder.
- (4) Kind, size, location, material, profile and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
- (5) Complete curve data shall be indicated for all horizontal and vertical curves.
- (6) Turning radii at all intersections.
- (7) Centerline gradients.
- (8) Size, type and locations of all existing and proposed utilities.

907 Road Maintenance:

907.1 All roads that are not dedicated to the Town or during such time prior to the actual acceptance by the Town shall be maintained by the subdivision owners or developer. A legal agreement indicating how the road will be maintained shall be submitted to the Planning Board. The Planning Board shall review the maintenance plan to ensure that sufficient provisions have been incorporated to maintain the road for the applicable time period.

907.2 A mandatory road maintenance agreement shall be developed for all properties to have access from the proposed road. The maintenance agreement shall be included on the property deed of each applicable property and shall include provisions for road maintenance, ownership of the road, and fees.

908 Road Inspection Requirements:

908.1 All roads shall meet the following inspection requirements:

908.2 The applicant shall at his/her expense hire a Professional Engineer licensed in the State of Maine to inspect the roadway construction. The engineer shall inspect the roadway during construction and certify in writing that the road was installed according to the road plans and the requirements of this Ordinance.

908.3 The applicant shall submit to the Road Commissioner and the Planning Board, the engineer's report certifying that the road meets or exceeds the road design plans and Ordinance requirements. The engineer's report shall include a sieve analysis and compaction test results.

908.4 The Road Commissioner or designee shall maintain a record of all road inspections and shall inspect the following:

- The right-of-way staking/flagging and clearing
- The road subbase course
- The road base course.
- Road drainage structures and features.
- The road surface course.

908.5 The applicant is responsible for notifying the Road Commissioner or designee when the road is ready for the applicable inspection.

908.6 The town may assign/hire a designee for the road commissioner to perform all the required road inspections.

908.7 The developer or applicant shall be responsible for making sure the road conforms to all inspection requirements and all road construction and design requirements.

908.8 If the road fails inspection, no building permits shall be issued until the road passes inspection,. See Section 202, Enforcement.

909 Road Acceptance:

909.1 A road may be considered for town acceptance only if the road conforms to the applicable standards of this section, the Selectmen vote to submit a warrant to the Town Meeting to consider dedication of a public way, and the Town Meeting votes to accept the road. Until such time that a road is accepted by a vote of the Town Meeting, the road shall be considered private and shall conform to the requirements of section 902.7.

909.2 The applicant shall petition the Board of Selectmen of the Town of Eddington to accept a road pursuant to Title 23 MRSA section 3025 and shall provide proof of the following:

909.2.1 The road has been designed, constructed and inspected in compliance with this Ordinance.

909.2.2 The road has a bituminous road surface.

909.2.3 The applicable requirements of the performance guarantee have been satisfied.

909.2.4 The road commissioner has submitted in writing a statement indicating the road complies with all Town ordinances and requirements and is eligible for consideration for acceptance.

909.3 The Board of Selectmen may submit a warrant to the town meeting containing an article for the purposes of accepting a dedication of a public way if the Board votes that the applicant has complied with the requirements of Chapter 9 of this ordinance.

910 Road Completion:

The road subbase, base and surface shall be completed and inspected before a building permit can be issued for any lot. The completed road shall extend across the full frontage of the lot. A bituminous surface shall be considered complete when both the asphalt base and asphalt surface materials are installed.

911 Parking Standards:

911.1 All development shall provide suitable off-road parking to serve the needs of the project.

911.2 The access to parking areas shall be designed to allow continuous and uninterrupted traffic movement on the public road, through the provision of adequate throat length, deceleration lanes, or other measures. No parking space shall be directly accessible from the public road.

911.3 Parking stalls shall be a minimum of 9 feet in width by 18 feet in length.

911.4 Loading bays shall be provided as necessary and shall be designed so as not to interfere with traffic flow.

911.5 Adequate off-road parking shall be provided according to the following:

Activity	Number of Spaces
Motel, Hotel	1 space per room
Nursing Care, Group Home	1/3 space per room
Detention Facility	1 space per employee at maximum shift
Place of Assembly	½ space per seat, based upon maximum capacity
Industrial & Manufacturing	1 space per 1,000 sq. feet of gross floor area
Retail & Office	3 spaces per 1,000 sq. feet of gross floor area
Warehouses	1 space per 1,000 sq. feet of gross floor area
Hospitals	6 spaces per 1,000 sq. feet of gross floor area

911.6 For uses not listed, the publication “Parking Demand ITE, “1987 or most recent edition shall be used.

912 Pedestrian Circulation

912.1 The Planning Board may require pedestrian ways be installed in subdivisions and other proposed developments based upon the size, density, and traffic of the proposed development or subdivision. When required by the Planning Board, the pedestrian ways may be located either in the road right-of-way or outside of the right-of-way. The pedestrian way may consist of an asphalt, concrete, stone, wood chip or other similar surface and shall be designed to meet the circulation demands of the development. Materials selected for the surface shall be suitable for year-round pedestrian access. Sidewalk maintenance is the responsibility of the property owner for the length that goes through or abuts their property.

Chapter 10: Special Activity Performance Standards

1001 Home Occupations:

1001.1 Purpose: Whereas the Town of Eddington recognizes that a home occupation is the preferred way for some persons to work, but also recognizes the rights of property owners to be free of possible nuisances caused by certain home occupations, the following performance standards shall be observed by all home occupations.

1001.2. Performance Standards:

1001.2.1 The home occupation shall be carried on wholly within on in a residence, or a building accessory to said residence, by a member of the family residing in said premise or with the assistance of not more than one additional person other than occupants of the dwelling. A Home Occupation will not occupy more than 33% of the floor area of all structures on the property.

1001.2.2. No exterior storage of material and any other exterior evidence of the home occupation shall be allowed.

1001.2.3. No nuisance such as waste discharge, offensive noise, vibration, smoke, dust, obnoxious odors, heat, glare, fumes, traffic, parking, or radiation shall be generated. Such Home Occupation shall not produce electrical interference detectable beyond the property lines.

1001.2.4. For information on signs for Home Occupations, refer to the Sign Ordinance.

1001.2.5 Retail sales of goods shall not be allowed except for items that have been made onsite or are incidental to the home occupation.

1001.2.6 A minimum number of off-street parking spaces shall be provided as follows: Two off-street spaces per on-premise dwelling unit and two additional off-street parking spaces for the home occupation or as determined by the Planning Board.

1001.2.7 A home office is a use by a resident of a portion of a residence that does not create additional traffic, does not have a sign, and does not change the external character of the building, and has no public presence (i.e. no office open to the public on the premises). A home office does not require a permit.

1002 Cottage Industry:

1002.1 A cottage industry is a use that may include retail, office, service, commercial or industrial, which due to its size is low intensity and produces a minimum of impacts for adjacent properties. The cottage industry is a small commercial operation which is traditionally operated in rural communities and allows households to create income and economic opportunities.

1002.2 Standards:

All cottage industries shall comply with the following:

1002.2.1 Each cottage industry shall be considered a principal use and comply with applicable dimensional requirements. A cottage industry which only uses existing structures on a property is exempt from meeting the road frontage and set-back requirements.

1002.2.2 The total number of employees, including family members residing and working at the cottage industry, shall not exceed 5 employees.

1002.2.3 Cottage industries which grow or exceed these standards shall not be considered as a non-conforming use, and shall be treated as a new use. They shall be required to reapply to the Planning Board with an application for a new use. Any cottage industry not in compliance with these standards shall be considered in violation of this Ordinance.

1002.2.4 The total square footage of all structures and exterior storage areas (based upon ground floor area) used for the cottage industry shall not exceed 2,000 square feet.

1002.2.5 All outside storage of materials and goods shall comply with the outside material storage requirements in Section 707 of the General Standards Section of this Ordinance and the following:

1002.2.5.1 Exterior storage abutting any residential structure shall be completely screened from the view of the abutting residential property.

1002.2.6 The following activities shall not be eligible as a cottage industry: junk yards, oil and fuel storage or handling facilities, restaurants, convenience stores, gasoline and fuel sales, vehicle sales and/or service, and kennels.

1002.2.7 In addition to the noise standards contained in this Ordinance, all cottage industries shall not produce more than 50 decibels between the hours of 7:00 a.m. and 9:30 p.m. and 40 decibels at all other times as measured at the property line.

1002.2.8 A landscaped area consisting of existing or proposed vegetation shall be installed along the lot road frontage. A vegetated area consisting of grass or other similar material shall extend across the frontage for a minimum width of 8 feet. The vegetated area shall include one of the following: a 3 foot high fence, 24 shrubs per 100 feet of frontage with a minimum height at the time of planting of 24 inches and a mature height of at least 36 inches or 10 trees per 100 feet of frontage with a minimum 1½ inch diameter at the time of planting and a mature height of at least 20 feet. If existing vegetation is used to meet this requirement, it shall provide a similar screen.

1003 Commercial Standards:

1003.1 Parking areas shall have a minimum buffer strip 10 feet wide extending along the side and rear property boundaries. The buffer shall be landscaped with vegetation or landscape materials. Parking areas containing more than 100 parking spaces shall increase the buffer width by an additional 10 feet.

1003.2 A screen shall be required whenever a proposed development abuts a residential development or pre-existing residence. The screen shall consist of natural or man-made materials sufficient to form an effective visual barrier to the proposed activity from the neighboring property.

1003.3 The entrance to the commercial activity shall be paved with bituminous pavement extending from the road onto the site for a minimum distance of at least 30 feet for the width of the required opening.

1004 Adult Entertainment:

1004.1 In districts where allowed, the adult business shall not be located within 1,000 feet of an educational, day care facility or place of worship, nor within 1,000 feet of any other adult business.

1004.2 In addition to any sign requirements contained in this Ordinance, signs for an adult business shall not depict the human figure in any unclothed or suggestive manner. No sexually explicit message, materials, or activity shall be visible outside the building.

1005 Signs:

1005.1 All signs shall conform to these standards and shall comply with the MRSA Title 23 section 1901-1925, Maine Traveler Information Service Law.

1005.2 General Standards:

1005.2.1 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, obstruct the view of, or be confused, with any authorized traffic sign, signal, or device or otherwise constitute a safety risk or distraction to pedestrian or vehicular traffic.

1005.2.2 No sign shall be located within a town, county, or state right-of-way or other lot line. Exceptions apply to political signs.

1005.2.3 Free standing and building mounted flashing, moving or animated signs are prohibited.

1005.2.4 Free standing and building mounted neon signs are prohibited. Exception is made for signs mounted in a commercial property window indicating "Open" for business during business hours of operation.

1005.2.5 All sign lighting shall be installed so as to direct light away from abutting roads and properties. Illuminated signs must be designed in such a way as to avoid glare.

1005.2.6 Signs relating to trespassing, access and hunting shall be permitted without restriction providing that no sign shall exceed 2 square feet in area.

1005.2.7 Signs relating to public safety shall be permitted without restriction.

1005.3 Discontinued Sign: Any discontinued, unused or damaged signs shall be removed by the property owner upon notice by the Code Enforcement Officer that the sign constitutes a nuisance or is a hazard due to structural condition.

1005.4 Contractor Sign: One sign advertising the contractor's name performing temporary services at the premises is permitted for the duration of the work but not longer than 30 days after completion of the work

1005.5 Home Occupation Sign: One sign a maximum of 2 square feet shall be permitted for a home occupation. The sign may be double sided and mounted on the building or free standing. The sign shall be located on the premises and removed if the home occupation is discontinued.

1005.6 Residential Sign: One name sign a maximum of 2 square feet shall be permitted per residential premise. The sign may be placed on the building or at the intersection of a private road and the right-of way.

1005.7 Political Sign: Signs shall not be placed within 8 feet of a fire hydrant or on private property without the permission of the property owner.

1005.7.1 Signs bearing a political message relating to an election, primary, or referendum shall be permitted and may be placed in the right-of-way provided they are removed by the candidate or political committee not later than one week after the election, primary, or referendum.

1005.8 Temporary Sign: One temporary sign, for a period not to exceed 4 months, either freestanding or attached to a building and no larger than 9 square feet is permitted as part of a use requiring a permit as per this Ordinance.

1005.9 Sign Requirements for Commercial, Industrial, Retail, Institutional Public, Religious, Civic and Government

1005.9.1 No sign shall be located so as to obstruct sight distance of traffic entering or exiting from the premises.

1005.9.2 One free standing sign is permitted per lot. The sign shall not exceed 50 square feet in area and a height of 25 feet.

1005.9.3 Signs may be attached to the building identifying goods sold or services rendered on the premises. No sign mounted on a building shall extend above the roof line more than 6 feet and no sign mounted on the building shall exceed the width of the building.

1005.9.4 On premises traffic or directional signs to control and direct customer access and parking are permitted.

1006 Manufactured Homes:

1006.1 All newly sited manufactured homes shall be installed according to the “Manufactured Housing Installation Standards” developed by the State of Maine Manufactured Housing Board as most recently amended.

1006.2 All newly sited manufactured homes shall comply with the safety standards in the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code Title 42, Chapter 70. (Modular homes shall be constructed in conformance with 10 MRSA Chapter 951) Units constructed prior to the enactment of these standards shall be made to conform to the standard. The owner shall provide a written statement from a professional engineer licensed in the State of Maine indicating that the mobile home has been upgraded and is in compliance with the standard.

1007 Manufactured Home Parks, RV Parks, and Campgrounds:

1007.1 Purpose: These regulations have been drafted to define and regulate Manufactured Home Parks, RV Parks, and Campgrounds; to establish minimum standards governing the site requirements, construction, and maintenance of said uses; to establish minimum standards governing utilities and required facilities; and to establish the duties of owners and operators of said uses and to establish penalties for violations.

1007.2 Existing Use: All lawful existing Manufactured Home Parks, RV Parks, or Campgrounds at the date of adoption of this Ordinance shall be permitted to continue in their existing configuration with regard to size of park spaces, number of spaces authorized, setbacks, road locations and widths.

1007.3 Expansion of Existing Use: Any expansion shall comply with the requirements of this Ordinance.

1007.4 Application Submission Requirements: Application for initial permits and any subsequent changes shall be in writing on forms approved by the Planning Board and shall include the following materials in addition to those required by this Ordinance.

1007.4.1 The location, number, and size of all park or campground spaces within the tract;

1007.4.2 Location of common utility areas and structures;

1007.4.3 Copies of approved subsurface wastewater disposal systems on forms as provided by the State.

1007.5 First Renewal Permit: The first renewal permit applied for shall have attached a plan drawn to scale of the entire parcel, the location of each space on the parcel, any structures or buildings and their use, and the setbacks from parcel property lines of all said spaces and buildings from all lot lines, and normal high water marks. Fees for renewal permits shall apply.

1007.6 Annual Renewal Permits: Permits must be renewed annually. Applications for renewal shall be made no later than July 1st of each year to the Code Enforcement Officer. A renewal permit shall be issued contingent with compliance with all regulations in this Ordinance. The applicant shall provide a written statement that no changes have been made to the most recently reviewed permit application, or apply to the Planning Board for review of any changes proposed before a renewal permit is due or issued.

1007.7 Inspection: The Code Enforcement Officer is authorized and directed to make periodic, annual, minimum inspections of all Parks and Campgrounds in order to determine compliance with this Ordinance and the safekeeping of health, safety, and welfare to the occupants of said parks and campgrounds. The CEO shall have the right to enter, at reasonable hours, any private or public property relating to uses governed by this Ordinance in the pursuit of his/her responsibilities herein.

1007.8 Specific Regulations for Campgrounds (RV's and Tents): Campgrounds shall conform to the minimum requirements imposed under State Licensing Procedures, Town ordinances, including Shoreland Zoning, and the following:

1007.8.1 Recreational Vehicle and tenting areas shall contain an approved sewage facility.

1007.8.2 Each RV, tent, or shelter site shall contain a minimum of 2,000 square feet of suitable land, not including roads and driveways, for each site, except it shall be 5,000 square feet when within the Shoreland Zone.

1007.8.3 Each RV, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace and/or barbecue facility.

1007.8.4 The area intended for placement of the RV, tent, or shelter and utility and service buildings, shall be set back a minimum of 100 feet from the exterior lot lines of the camping area.

1007.8.5 All campgrounds shall be screened from adjacent land areas by a continuous landscaped area containing evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier of not less than 6 feet in height.

1008 Open Space Standards:

1008.1 Purpose: The purpose of these provisions is to allow for new concepts of development where variations of design may be allowed, if the net residential density shall be no greater than is permitted in the area in which the development is proposed. Notwithstanding other provisions of this Ordinance relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards:

1008.2 Design Requirements:

1008.2.1 The open space design development shall meet all the requirements for a subdivision and other applicable provisions of this Ordinance.

1008.2.2 Each proposed building site and building shall be an element of an overall plan for the site development. Only developments having a total site plan for structures shall be considered. The developer shall illustrate the placement of buildings and the treatment of spaces, roads, services, and parking and in so doing, shall take into consideration all requirements of this section and of other applicable sections of this Ordinance.

1008.2.3 The minimum land area necessary for an Open Space Design shall be at least two times the minimum lot size of the district where development is proposed multiplied by the number of proposed lots.

1008.2.4 Any reduction in lot size, density, setbacks or standards which are part of meeting the design criteria of this Ordinance shall be approved by the Planning Board and will not require a variance.

1008.2.5 The area suitable for development shall be calculated by subtracting the following; wetlands, rivers, streams, brooks, stormwater drainage features, resource protection district areas, areas within the 100-year floodplain and areas within roads and other rights-of-way.

1008.2.6 To determine the maximum number of dwelling units or structures permitted on a tract of land, the land suitable for development shall be divided by the minimum lot size required in the district in which it is located.

1008.2.7 Lots served by a public sewer system and lots served by an individual or cluster subsurface wastewater system may be reduced to 20,000 square feet.

1008.2.8 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 minimum lot size requirements.

1008.2.9 Every building lot reduced in size below the amount required shall be within 1,000-feet of common land.

1008.2.10 No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of the development.

1008.2.11 Shore frontage shall not be reduced below the minimum required in the applicable Shoreland Zoning District.

1008.2.12 Where the development abuts a body of water, a usable portion of the shoreline, and reasonable access to it, shall be part of the common land.

1008.2.13 Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for the site development.

1008.2.14 The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems shall be shown on the plan. A restriction prohibiting any structures or building on the reserve area for a replacement system shall be included on the subdivision plan.

1008.3 Requirements for Open Space Areas:

1008.3.1 The areas selected for open space shall be based upon the requirements of this subsection and the overall design plan for the development. Open space areas shall be selected based upon the following priorities:

- Existing recreational areas or trails.
- Scenic areas as identified by the Town and the Comprehensive Plan.
- Existing agricultural fields, pastures, or orchards.
- Significant wildlife and plant habitat areas.
- Archeological or historic sites.
- Existing undeveloped forest areas.

1008.3.2 All open space areas shall be designed as continuous tracts of land. Narrow strips of land or collections of small tracts are not permitted unless designed as part of a trail system connecting larger parcels.

1008.3.3 The open space land may utilize or feature areas designated as unsuitable for development, however, in no case shall land unsuitable for development be counted as the required open space area.

1008.4 Dedication and Maintenance of Common Open Spaces and Facilities:

1008.4.1 Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of this land, which shall be used only for noncommercial recreation, agriculture or conservation. However, easements for public utilities or utility structures may be permitted.

1008.4.2 The common open space shall be shown on the development plan with the notation on the face thereof to indicate

- The common open space shall not be used for future building lots.
- Any part or all of the common open space proposed to be dedicated for acceptance by the Town.

1008.4.3 If any or all of the common open space is to be reserved for use by the residents, the by-laws of the homeowners association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval.

1008.4.4 Covenants for mandatory membership in the association, setting forth the owners rights and interest and privileges in the association, common facilities and the common land, shall be reviewed by the Planning Board and included in the deed for each lot.

1008.4.5 The association may levy annual charges against all property owners to defray the expenses connected with the maintenance of open space, other common and recreational facilities and town assessments.

1008.5 Density Bonus:

1008.5.1 The number of dwelling units may be increased by 20% over the number of units allowed in the district in which the development is located provided that at least one of the following conditions is met:

- At least 10% of the dwelling units are affordable housing as defined by Title 30-A, MRSA, subsection 4301.
- Common shoreland with access to the water is available for the use of the general public.
- Common land which includes at least one of the following: parks, trails, recreation facilities or ponds in excess of 5 acres, is available for use by the general public.

1008.5.2 The Planning Board shall incorporate the applicant's proposal for the density bonus as a condition of the subdivision plan. The proposal shall be reviewed by the Planning Board and revisions incorporated into the proposal based upon the Board's review. The town may set conditions on the density bonus proposal to ensure that the intent of this Ordinance is followed.

1009 Junk Yards, Auto Graveyards & Auto Recycling:

1009.1 Planning Board review shall be required for any new or the expansion of a legally existing junkyard, auto graveyard or recycling. All new and existing operations shall also obtain an annual permit from the Board of Selectmen.

1009.2 Any new or expanded junkyard, auto graveyard or recycling facility shall conform to all applicable State laws and regulations, the applicable provisions of this Ordinance and the following standards ;

1009.2.1 The junkyard, auto graveyard, or recycling facility shall have a minimum lot area of 10 acres.

1009.2.2 The junkyard and any other outside storage or similar area shall be setback a minimum of 100 feet from all property lines.

1010 Low Intensity Re-use of Agriculture Structures:

1010.1 The purpose of this section is to allow some low intensity uses to take place within existing unused agricultural structures such as barns, dairy barns, chicken barns and similar structures. Whenever a proposal to re-use an agricultural structure cannot conform to the standards of this section, it shall conform to another allowed use for the district in which it is located as specified in the district use chart.

1010.2 The following standards shall apply to all low intensity re-use of existing agriculture structures:

1010.2.1 All activity shall take place within the structure and no outside storage is allowed.

1010.2.2 The activity shall not generate more than 20 vehicle trips per day.

1010.2.3 No more than 2 employees are allowed

1010.3 In addition to the Noise standards contained in this ordinance, activity shall not produce any noise more than 50 decibels between the hours of 7:00 am and 9:30 p.m. and 40 decibels at other times as measured at the property line.

Chapter 11: Definitions

1102. Definitions:

Words and terms not defined shall have their customary dictionary meanings.

The following words and terms, for the purpose of this ordinance, shall be defined as follows:

Abutters: All property within 500 feet of subject property lines, including property owners across roadways and bodies of water.

Accessory or Adjunct: Commonly associated with or in support of the primary or principal use of a lot or structure.

Active Recreation: Recreational activity which necessitates some degree of structural or mechanical components for participation in the activity, such as ball fields, playgrounds and tennis courts.

Adult Entertainment: A sexually oriented business including adult amusement stores, adult movie theaters, adult entertainment cabarets, or adult spas or any business where erotic materials and activities are displayed, depicted, described, or simulated as a regular and substantial part of its operation.

Adult Spa: An establishment or place primarily in the business of providing services of an erotic nature.

Adult Entertainment Cabaret: A public or private establishment used regularly or occasionally, which features entertainers or employees who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interests of the patron.

Adult Movie Theater: An establishment used regularly or occasionally for presenting motion picture or video material having as a dominant theme material distinguished or characterized by an emphasis on erotic material for observation by patrons.

Adult Amusement Store: An establishment having a substantial or significant portion of its sales or stock in trade, erotic material or an establishment with a portion of the premises devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, the exclusion of

minors from the establishment's premises, or any other factors showing that the establishment purpose is to purvey such material.

Aggrieved Party: A person who demonstrates standing to appeal from a decision rendered under this Ordinance.

Agricultural Land: Land in excess of one acre, which has been tilled, harvested, mown (except lawns and similar which are customarily incidental to residential use), and/or used for the production of field crops, including commercial orchards, pasture, and pick-your-own crops, which use has been within 5 years of the date of application for development under these provisions.

Agricultural Processing Facility: A building or structure in excess of 1000 square feet designed to take plants, livestock or fish and process these raw materials into a food product for human or animal consumption

Agriculture – Non-livestock: Shall mean the cultivation of soil, producing or raising crops, including gardening as a commercial operation. The term shall also include greenhouses, nurseries and versions thereof, where flowers, plants, shrubs, and/or trees are grown for sale.

Agriculture – Livestock: See animal husbandry.

Animal Husbandry: The keeping of any domesticated animals other than household pets.

Animal Unit: 1,000 pounds. A minimum of one acre/animal unit is required, excluding land occupied by structures not specifically used for housing such animals, and excluding unvegetated land.

Assembly/Meeting Space: A building or facility used to provide rented space for educational, business, social events or meetings. Food preparation may be included but it is limited to serving only events at the facility.

Auction Facility: A building or facility in which periodic or regular public sales of property to the highest bidder are held.

Authorized Agent: An individual or a firm having written authorization to act in behalf of a property owners, signed by the property owner and notarized.

Automobile Graveyard and Junkyard: a yard, field or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles.

- A. “**Automobile graveyard**” does not include any areas used for temporary storage by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.
- B. “**Automobile graveyard**” includes an area used for automobile dismantling, salvage and recycling operations. (Revised March 18, 2002)

Automobile recycling business: means the business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the

basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan is used for automobile recycling operations. (March 18, 2002)

Bed and Breakfast: A dwelling with a minimum of two and a maximum of 6 guest rooms are offered for rent and with only a breakfast meal served only to persons renting rooms.

Boarding, Rooming or Lodging House: A use adjunct to the primary use of a building as a single family residence in which transient guests are furnished sleeping accommodation for a fee in residence bedrooms. Guest may be furnished meals, which are prepared in the residence kitchen facility only.

Boat Landing: A facility, either paved or gravel, which provides public access to a body of water.

Camping: The occasional use of land on a temporary and intermittent basis for cooking and sleeping and using temporary shelter customarily associated with such activity. Included is the occupancy of a recreational vehicle parked on any lot.

Campground: Land upon which one or more tents are erected or trailers or RV's are parked for temporary recreational use on sites arranged specifically for that purpose. The word "camp grounds" shall include, but not be limited to, the words "tenting grounds" and "trailer parks", or "RV parks".

Cluster Development: See Open Space Development.

Code Enforcement Officer: A person appointed by the Town Manager to enforce the Ordinance(s) of the Town. Also referred to as CEO.

Commercial: An activity, other than a Home Occupation, Home Office, or Cottage Industry as elsewhere defined. The intent and/or result of which activity is the production of income from buying and selling of goods and/or services. Rental of residential building and/or dwelling units is excluded.

Community Living: As defined by M.R.S.A.30-A 4357-A

Community Nonprofit: A building or buildings that contain public or private non-profit facilities to provide educational, recreational, or informational services to the general public.

Complete Application: An application form, including the required fee, and all information required by this Ordinance, determined to be complete by the Code Enforcement Officer or Planning Board.

Conforming Use: A use of buildings, structures or land, which complies with all applicable provisions of all Ordinance(s) of the Town of Eddington.

Congregate Care: Residential housing consisting of private apartments and central dining facilities and within which a supportive services program is available to meet the needs of residents.

Corner Lot: A lot that abuts two or more public or private ways. Frontage shall be defined as total aggregate frontage on all public or private ways.

Cottage Industry: A commercial use of low intensity that is subject to specific standards contained in this Ordinance.

Crematory: A building or portion thereof designed for the cremation of a corpse and located in a cemetery having a minimum land area of 20 acres.

Day Care Facility: An establishment, including a private residence, where there will be three or more children under the age of six cared for in return for compensation.

Deck: Any platform adjacent to, or attached to the exterior of a structure, including steps or ramps necessary to provide access.

De novo hearing: Authorizes the Board of Appeals to reverse a decision by the Code Enforcement Officer or Planning Board only if it finds that the decision is contrary to specific provisions of the ordinance or unsupported by substantial evidence in the record.

Development: Any man-made change to improved or unimproved real estate, including but not limited to building, or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

Direct Watershed of a Pond: That portion of the watershed, which drains directly to the pond without first passing through an upstream pond or river.

Disposal: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or liquid waste into or onto any land or water so that the waste or any constituent thereof may enter into the environment or be emitted into the air, or discharged into any waters, including round waters.

Dwelling Unit: A building, or portion thereof, used for living quarters for one family.

Dwelling, Single-family: Shall mean any structure containing only one dwelling unit and shall include a community living use as defined in M.R.S.A.

Dwelling, Two-family: Shall mean a building containing only two dwelling units, for habitation by not more than two families.

Dwelling, Multi-family: Shall mean a building containing 3 or more dwelling units..

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

Earth Moving: Any removal of earth from its original location and not defined as resource extraction/mining.

Easement: A right of use over the property of another.

Essential Services: 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 Right-of-Way: Land, which is dedicated for the sole purpose of providing access to a parcel or parcels of land abutting, and described on a deed recorded prior to the effective date of this Ordinance.

Family: One or more persons occupying a premise and living as a single housekeeping unit.

Frontage, Road: The horizontal distance between the intersections of the side lot lines with the right-of-way line of any road, public or private.

Government Offices and Structures: Any building or land held, used, or controlled exclusively for public purposes by any department or branch of government, federal, state, county or local

Grandfather Clause: See non-conforming lots of record and non-conforming Structures..

Great Pond: See the Shoreland Zoning Ordinance

Hazardous Waste: As currently defined by the Maine Department of Environmental Protection.

Height of a Structure: The vertical distance between the mean original grade at the downhill side of a structure and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances which have no floor area.

Indoor Commercial Recreation/Amusement: A building or structure designed and equipped for the conduct of sports, leisure time activities. Performances and other customary recreation activities which take place indoors. Activities include but are not limited to amusement centers, arcades, gyms, health clubs and bowling alleys. Restaurants which are incidental to the primary use of the structure or building are allowed. This does not include Adult Entertainment as defined elsewhere.

Junkyard: Junkyard, a yard, field or other area used to store:

- A. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
- B. Discarded, scrap and junked lumber;
- C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
- D. Garage dumps, waste dumps and sanitary fills. (Revised March 18, 2002)

kennel, Commercial: A place, building or structure where three or more dogs, cats or other similar household pets are kept for breeding, training, exhibition, grooming or temporary housing for a fee.

Kiosk: A small detached building not more than 144 square feet in area used to sell goods or services including food.

Lot: An area of land in single ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the planning board and recorded in the County Registry of Deeds.

Lot Lines: The lines which define a lot.

Lot Line, Front: The line separating the lot from the road On a corner lot the line separating the lot from either road.

Lot Line, Rear: The line opposite the front 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 10 feet along. Lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front line with the least dimension.

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

Lot of Record: A parcel of land, the dimensions of which is defined on a document or map on file with the County Registry of Deeds.

Manufactured Housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis, or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this definition, two types of manufactured housing are included. These two types are:

- 1) Those units constructed after June 15, 1976, commonly called "newer mobile home," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et. seq.,
- 2) Those units commonly called "modular homes," that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical system contained in the unit.

Manufactured Home Park: A parcel of land, under single ownership, approved by the municipality for the placement of three (3) or more manufactured houses.

Non-Conforming Lots of Record: A single lot of record which, at the effective date of adoption, or amendments to, this Ordinance, does not meet the area, frontage, width or depth requirements of the District in which it is located.

Non-Conforming Structure: A structure that does not meet one or more of the following dimensional requirements: setbacks, height, and lot coverage. It is allowed solely because it was in lawful existence, at the time this Ordinance or subsequent amendments took effect.

Non-Hazardous Solid Waste: Solid waste, which does not present a potential or present danger to people, animals or the natural environment.

Non-Hazardous Solid Waste Facility: Any land, buildings, structures or combination thereof used for disposal of non-hazardous solid waste, excluding all municipally operated facilities for disposal of nonhazardous used building materials and discarded vegetation resulting from normal residential maintenance activities.

Normal Repair or Maintenance: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. Normal repairs are nonstructural repairs and do not include additions or alterations.

Official Business Direction Signs: A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 M.R.S.A. Section 1901 et.seq. which points the way to public and/or private accommodations and facilities.

Open Space: Undeveloped land, including but not limited to, woodland, fields and agricultural land.

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

Open Space Development: A development in which dimensional requirements may be reduced in order to promote the retention of open space.

Passive Recreation: Outdoor recreational activities which involve no structural or mechanical components or facilities, or earth moving, such as hiking, fishing, hunting, etc

Period of Operation: The opening and closing times of certain businesses or activities regulated as a Special Exception under this Ordinance. This term may apply to hours of the day or night, and/or days of the week, and/or months of the year.

Person: As used in this Ordinance, persons, partnerships, firms, corporations, owners, lessees or licensees or their agents.

Place of Worship: A building or structure, or group of buildings and structures designed and used for the conduct of religious services.

Planned Residential Development: A project comprehensively planned as an entity via a unitary site plan, which is permitted as per the Open Space standards contained in this Ordinance.

Public Accommodation/Hotel/Motel: A building or group of buildings intended to accommodate for a fee, travelers and other transient guests, who are staying for a limited duration, with sleeping rooms (with or without cooking facilities) which may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Public Facility: Owned by the state, county or municipality or quasi-municipal entity as defined under Maine Law.

Public Park: An area designed specifically for recreational use by the public and involving minimal structural development, as determined by the Planning Board.

Recreational Vehicle (RV): A vehicle, or vehicular attachment, designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include, but is not limited to, a pick-up truck camper, travel trailer, tent trailer, camp trailer, or motor home.

Resource Extraction/Mining: Any operation within any 12-month period where the principal use is the removal of more than 100 cubic yards of soil, topsoil loam, sand, clay, rock, peat or other like material from its natural location and that transports the product removed away from the extraction site. The incidental removal of material necessary for construction is not included.

Retail and/or Wholesale Business Establishment: A commercial activity engaged in for primarily selling tangible goods, which includes, but is not limited to, grocery stores, gift shops, restaurants, take-out foods, clothing stores, antique shops, pet shops, kennels, or similar.

Right of Way: The term used to describe a deeded right belonging to a party to pass over the land of another. As used with reference to right to pass over another's land it is only an easement.

Road: A highway; an open way or public passage; a strip of land appropriated and used for purposes of travel and communication between different places.

Road, Interior Access: A road constructed on the interior of a lot which provides access to an RV, Mobile Home or Campground space, or service within the Park or Campground.

RV Park or Campground: Land upon which one or more tents are erected or RV's are parked for temporary recreational use on sites arranged specifically for that purpose. The words "camp grounds" shall include, but are not limited to, tenting grounds" and "trailer parks".

Self Storage: A building or group of buildings that contain individual compartmentalized and controlled separate storage spaces leased or rented on an individual basis and accessible through individual doors. The space is intended only for storage and not for occupancy.

Senior Housing Development: A housing development designed for persons over the age of 50 years without residential care or similar services.

Service Business/Establishment: A commercial activity primarily providing services, as opposed to one primarily providing or selling tangible goods, which selling of goods, is defined as a "retail business". By way of example, professional, real estate sales, securities dealers, insurance agencies, auto repair, body shops, appliance repair, small engine repair, furniture refinishing or repair, welding service for fabricating products for sale.

Setback: The minimum horizontal distance from a lot line to the nearest part of a structure, or from a lot line to the perimeter of a parking space or storage area, or from a lot line to the

perimeter of a prescribed land area, the setback for which area or parking space is defined in this Ordinance.

Sign: A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly on a building, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises. A sign, which requires location in the ground or attachment on the ground, is a structure. A temporary sign is one that is movable or readily removable by non-mechanical means.

Small Scale Animal Keeping: The keeping of animals exclusively for the personal use of the property owner and not for breeding, or any other commercial use.

Social and Fraternal Organizations: Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests, which includes, but is not limited to, fraternities, sororities, churches and social organizations.

Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation or by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock.

Street: See Road.

Structure: Anything constructed or erected, including manufactured housing and including, but not limited to, mobile homes, box trailers, signs which requires location in the ground or attachment to something on the ground. The following are not considered as structures fences, boundary wall, unattached buildings 100 square feet or less in area and subsurface waste water disposal systems.

Subdivision: A defined in Title 30-A M RSA Section 4401.

Variance: A variance is an allowed deviation from the terms of this ordinance and is limited to lot area, frontage and setback requirements. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent areas.

Vehicle Sales, Service or Repair: Any business which involves automobiles, trucks, farm equipment, motorcycles, campers, recreational vehicles, motor homes, boats, and mobile homes.

Veterinary Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations.

Warehousing: The receiving, storage, housing, or stockpiling of goods, and/or finished merchandise either inside or outside of a structure prior to their redistribution.

Water Extraction: Commercial removal of ground water.

Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal conditions does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps,

marshes, bogs, vernal pools, forested wetlands and similar areas. The parameters that characterize wetlands area;

- The vegetation is predominantly wetland or aquatic;
- The soils are predominantly un-drained Hydric or wetland soils; and
- The substrate is non-soil such as sand, gravel or rock and the area is saturated with water or covered with water at least 2 months during each year.