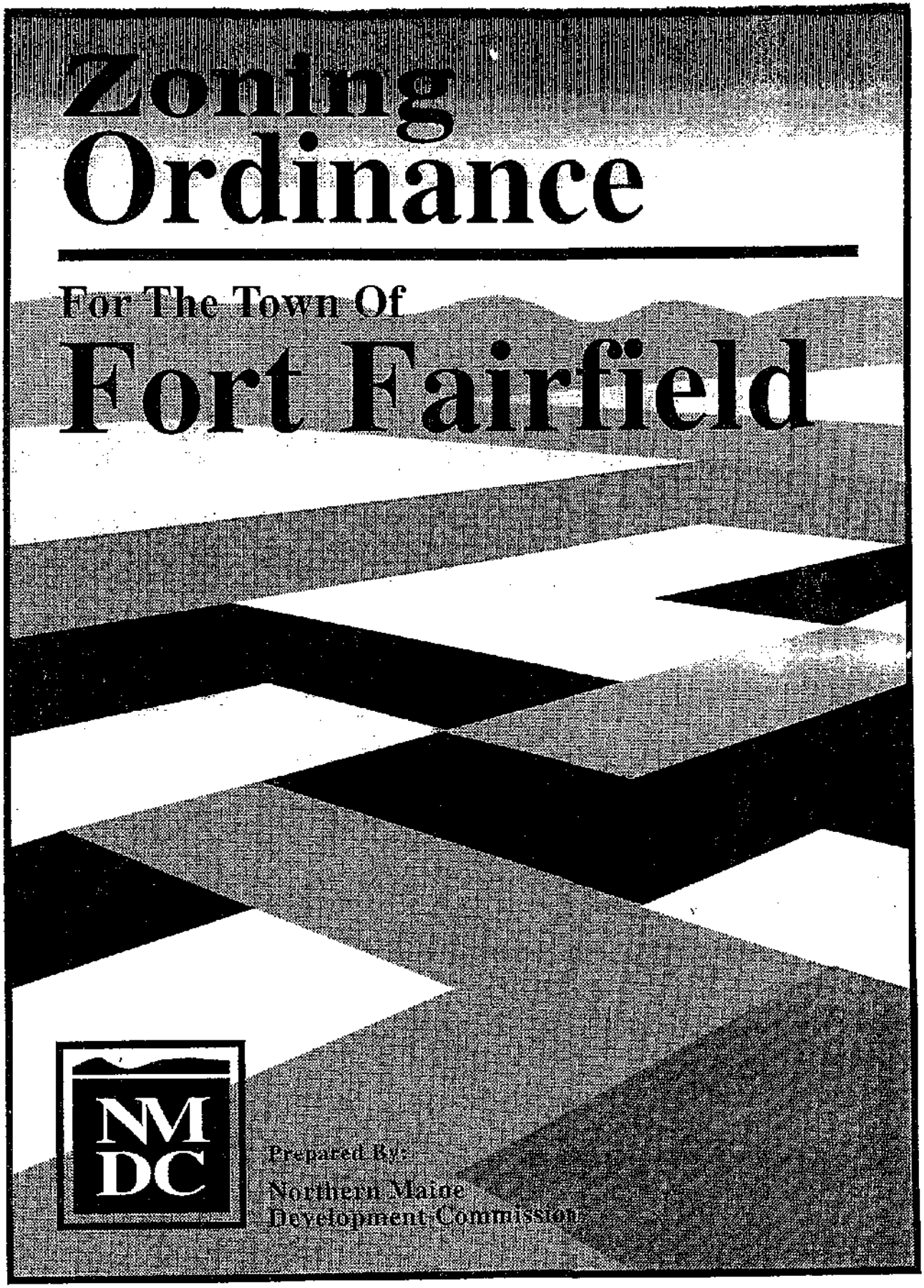
Zoning Ordinance

For The Town Of

Fort Fairfield



NMDC

Prepared By:

Northern Maine Development Commission

TOWN OF FORT FAIRFIELD

ORDINANCE 11-04 AMENDS TOWN OF FORT FAIRFIELD ZONING ORDINANCE.

AN ORDINANCE PROVIDING FOR AN ADDITION TO THE KEY FOR THE LAND USE CHART TO INCLUDE:

(10) Planning Board Review of the conversion of a portion of a commercial structure located in the Highway Oriented Zone to a Single Family Apartment

Change use in the Highway Oriented Zone of the Land Use Chart – (Dwelling Single Family) from No to PB10

THEREFORE this Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2 Section 1 of the Constitution of the State of Maine and Title 30-A MRSA Section 3001.

INTRODUCED: July 20, 2011 at a Regular Town Council Meeting

INTRODUCED BY Councilor: Ruel W. Flannery

PUBLISHED July 27, 2011

PUBLIC HEARING August 10, 2011

ADOPTED AT TOWN COUNCIL MEETING August 17, 2011

FORT FAIRFIELD TOWN COUNCIL

David H. McCrea, Chairman

Ruel W. Flannery

Mark M. Babin

Kimberley A. Murchison

Terry L. Greenier

ATTEST: _____ DATE: 8-17-11
Rebecca J. Hersey, Town Council Secretary

FILED: _____ DATE: 8-17-11
Rebecca J. Hersey, Town Clerk

ORDINANCE 11-03

TOWN OF FORT FAIRFIELD

Ordinance 11-03 amends the Town of Fort Fairfield Official Zoning Map

AN ORDINANCE PROVIDING FOR Amendment of the Official Fort Fairfield Zoning Map adopted on April 26, 1995 and previously amended on March 26, 1997 the following described area;

"Expand the Residential Zone by changing all of Tax Map 35 Lot 23A and part of Tax Map 35 Lot 23 from Industrial to General Residential."

THEREFORE, this Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

INTRODUCED: June 15, 2011 at a regular Council Meeting

INTRODUCED BY: **Mark Babin**

Published June 29, 2011

Public Hearing July 13, 2011

Adopted at Town Council Meeting July 20, 2011

FORT FAIRFIELD TOWN COUNCIL

David H. McCrea, Chairman

Ruel W. Flannery

Mark M. Babin

Kimberley A. Murchison

Terry L. Greenier

ATTEST: Rebecca J. Hersey DATE: 7/20/11
Rebecca J. Hersey, Town Council Secretary

FILED: Rebecca J. Hersey DATE: 7/20/11
Rebecca J. Hersey, Town Clerk

ORDINANCE 98-02

TOWN OF FORT FAIRFIELD

ORDINANCE 98-02 AMENDS TOWN OF FORT FAIRFIELD ZONING ORDINANCE.

AN ORDINANCE PROVIDING FOR AN ADDITION TO THE DEFINITION SECTION; AND

DELETION OF EXISTING LAND USE CHARTS AND REPLACEMENT AND ADDITION OF A NEW LAND USE CHART

THE TOWN OF FORT FAIRFIELD HEREBY ORDAINS that the following contents be added to the TOWN OF FORT ZONING ORDINANCE:

> **"Natural Resource Based Use: The use of land and/or structures for the initial manufacturing, processing, fabricating, assembly, and/or packing of goods or products of raw natural resource materials (land, water, plant, and animal life) indigenous to the municipality or immediate area. With respect to this definition, 'Initial' refers to the first phase of manufacturing, processing, fabricating, assembly, and/or packing, beginning with raw materials, rather than secondary manufacture or handling. Such uses include, but are not limited to: raw material storage, agricultural product packing, sawmills, blacksmithing, farm implement repair, or roadside sale of agricultural products."**

The Existing Land Use Charts are to be deleted and the Replacement Land Use Charts are attached to this Ordinance.

THEREFORE, this Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

INTRODUCED: January 28, 1998

INTRODUCED BY: Councilor Ronald Jalbert

PUBLISHED IN THE FORT FAIRFIELD REVIEW: February 11, 1998

PUBLIC HEARING HELD: February 25, 1998

ADOPTED ON: February 25, 1998

FORT FAIRFIELD TOWN COUNCIL

Gary B. Sirois, Chairman

Ronald Jalbert

Ruel W. Flannery

John J. Manter

Stephen G. Ulman

ATTEST: E. Ann Shaw — February 25, 1998
E. Ann Shaw, Council Secretary — Date

FILED: Susan H. LeVasseur — February 26, 1998
Susan H. LeVasseur, Town Clerk — Date

LAND USE CHART					
Use	Residential R	Resource Protection RP	Commercial C	Highway Oriented HO	Industrial I
Abattoir	NO	PB2,5	NO	NO	NO
Agricultural Product Processing or Storage	NO	PB2	PB2	PB2	PB2
Agricultural Related Sales or Service	NO	PB2	PB2	PB2	PB2
Agriculture	PB	PB	PB6	PB6	NO
Airport	NO	PB2	NO	PB2	NO
Amusement Facility (indoor)	NO	NO	PB2	PB2	NO
Auction Building or Antique Sales	NO	PB2	PB2	PB2	NO
Automobile (Vehicle) Body Shop	NO	PB1,2	PB2	PB2	NO
Automobile (Vehicle) Car Wash	NO	PB1,2	PB2	PB2	NO
Automobile (Vehicle) Graveyard	NO	PB1,2,3	NO	NO	NO
Automobile (Vehicle) Repair and/or Sales	NO	PB2	PB2	PB2	NO
Automobile (Vehicle) Service Station	NO	PB2	PB2	PB2	PB2
Bed and Breakfast	PB2	PB2	PB2	PB2	NO
Building Materials-Storage/Retail	NO	PB1,2	PB2	PB2	PB2
Bulk Grain Storage	NO	CEO	NO	PB2	PB2
Bulk Oil and/or Gas Terminal	NO	NO	NO	PB2	PB2
Business, Professional, or Medical Office	PB2	PB1,2	PB2	PB2	PB2
Campground/RV Park	NO	PB2	NO	NO	NO
Cemetery	YES	YES	PB2	PB2	NO
Church, Synagogue, or Parish House	PB2	PB2	PB2	PB2	NO
Commercial Communication Tower	NO	PB2	PB2	PB2	PB2
Commercial Recreation	PB2	PB2	PB2	PB2	NO
Commercial Recycling Operation	NO	PB1,2	PB2	PB2	PB2
Commercial School	PB2	NO	PB2	PB2	NO
Community Center	PB2	PB2	PB2	PB2	NO
Confined Feeding Operation	NO	PB2	PB2	PB2	PB2
Congregate Housing	PB2,8	PB2,8	PB2,8	PB2,8	NO
Day Care Center	PB2	PB2	PB2	NO	NO
Day/Night Care	PB2	PB2	NO	NO	NO
Demolition Waste Disposal	NO	PB1,2	NO	NO	PB2
Dwelling, Multi-Family (3 or more)	PB2,8	PB1,2,8	PB2,8	PB2,8	NO
Dwelling, Single Family	CEO	CEO	NO	NO	NO
Dwelling, Two-Family (Duplex)	PB	CEO	NO	NO	NO
Farm Stand	YES	YES	PB2	PB2	PB2
Filling and Earth Moving <10 Cubic Yards	YES	YES	YES	YES	YES
Filling and Earth Moving >1,000 Cubic Yards	PB2,9	PB2,9	PB2,9	PB2,9	PB2,9
Filling and Earth Moving 10 - 1,000 Cubic Yards	YES9	YES9	YES9	YES9	YES9
Fire, Police, or Ambulance Station	PB2	PB1,2	PB2	PB2	PB2
Firewood Processing	NO	PB2	PB2	PB2	PB2
Funeral Home	PB2	NO	PB2	PB2	NO
Golf Course	NO	PB2	PB2	PB2	NO
Government Office	PB2	PB2	PB2	PB2	PB2
Group Home, Hospice, and/or Nursing Home	PB2,8	PB2,8	PB2,8	PB2,8	NO
Home Occupation	PB2	CEO	PB2	PB2	NO
Hospital, Clinic, or Out-Patient Care	PB2	PB2	PB2	PB2	NO
Hotel, Motel, or Inn	NO	PB1,2	PB2	PB2	NO
Individual, Private Campsite	PB2	CEO	NO	NO	NO
Indoor Theater	NO	NO	PB2	PB2	NO
Industry or Manufacturing, Light	NO	PB1,2	PB2	PB2	PB2
Junkyard	NO	PB1,2,3	NO	NO	NO
Kennel or Stable	NO	PB2	NO	NO	NO
Library or Museum	PB2	PB2	PB2	PB2	NO
Mineral Exploration	NO	PB2	PB2	PB2	PB2
Mineral Extraction	NO	PB2	PB2	PB2	PB2
Mineral Storage	PB2	CEO	CEO	CEO	PB2
Mobile Home Park	PB2,8	PB1,2,8	NO	NO	NO
Neighborhood Convenience Store	NO	PB2	PB2	PB2	NO
Nursery School	PB2	PB2	NO	NO	NO
Parking Lot	YES	YES	YES	YES	YES
Pre-School	PB2	PB2	NO	NO	NO
Private or Semi-Public Club	PB2	PB2	PB2	PB2	NO
Professional Office	PB2	PB2	PB2	PB2	PB2
Public or Private School	PB2	PB2	PB2	PB2	NO
Public Utility Facility	PB2	PB2	PB2	PB2	PB2

Use(s)	Residential R	Rural Farm RFF	Commercial C	Highway Oriented HO	Industrial I
Publishing/Printing	NO	PB2	PB2	PB2	PB2
Recycling Collection Point	CEO	CEO	CEO	CEO	CEO
Residential Cluster Development	PB2,4,8	PB2,4,8	NO	NO	NO
Restaurant	PB2	PB1,2	PB2	PB2	NO
Retail Business	NO	NO	PB2	PB2	PB2
Sawmill	NO	PB2,5	NO	PB2	PB2
Septage Spreading and/or Storage	NO	PB2	NO	NO	NO
Service Business	NO	NO	PB2	PB2	PB2
Service Business	NO	NO	PB2	PB2	PB2
Shopping Center	NO	NO	PB2,8	PB2,8	NO
Sludge Spreading and/or Storage	NO	PB2	PB2	PB2	PB2
Swimming Pool	CEO	CEO	PB	PB	NO
Trucking Distribution Terminal	NO	PB1,2	NO	PB2	PB2
Veterinary Hospital	NO	PB1,2	PB2	PB2	NO
Warehouse	NO	CEO	PB2	PB2	PB2
Wholesale Business	NO	NO	PB2	PB2	PB2
Use Similar to Allowed Use	YES	YES	YES	YES	YES
Use Similar to Prohibited Use	NO	NO	NO	NO	NO
Use Similar to Use Requiring CEO Review and Permit	CEO	CEO	CEO	CEO	CEO
Use Similar to Use Requiring Planning Board Review and CEO Permit	PB2	PB2	PB2	PB2	PB2
Structure Accessory to Permitted Use	CEO	CEO	CEO	CEO	CEO
KEY:					
1 Must be within 1500' of the designated growth area.					
2 Requires Site Design Review by Planning Board.					
3 Annual permit and fee required. Permit shall be issued by the Planning Board. Fee shall be collected by Town Clerk.					
4 Requires parcels to be ten (10) acres or more.					
5 Commercial and light industrial uses may be allowed upon proof by the applicant that the use is a Natural Resource Based Use as defined herein.					
6 Permit required for non-commercial farm animal raising.					
8 Requires subdivision review by Planning Board if three (3) or more lots or units are proposed.					
9 A CEO permit is required if more than 10 cubic yards is moved or filled in shoreland areas as defined.					

Adopted February 25, 1998 Ordinance 98-02

TOWN OF FORT FAIRFIELD

ORDINANCE NO. 95-04

AN ORDINANCE PROVIDING FOR LAND USE REGULATION FOR THE TOWN OF FORT FAIRFIELD

THE TOWN OF FORT FAIRFIELD HEREBY ORDERS: Repealing of the Fort Fairfield Zoning Ordinance dated June 28, 1976, and adoption of the revised Fort Fairfield Zoning Ordinance in accordance with the provisions of MRSA Title 30-A and Title 38 (Sections 435-449 as amended) as delineated in the attached Zoning Ordinance.

This Ordinance shall become effective when adopted.

Introduced: February 22, 1995, at a Regular Town Council Meeting

Introduced By: Robert D. Ashby

Published Notice of Required Public Hearing: March 15, 1995

Public Hearing: March 22, 1995

Adopted: April 26, 1995 at a Regular Council Meeting

FORT FAIRFIELD TOWN COUNCILORS

Howard Higgins

Howard Higgins, Chairman

Jon C. Durepo

Jon C. Durepo

Kenneth N. Feller

Kenneth N. Feller

Robert D. Ashby

Robert D. Ashby

Gary J. Cyr

Gary J. Cyr

ATTEST: E. Ann Shaw

E. Ann Shaw, Council Secretary

FILED: Susan H. LeVasseur DATE: Apr. 27. 1995

Susan H. LeVasseur, Town Clerk

Attested as a true copy: Susan H. LeVasseur

Adopted:

By the Residents on April 26, 1995.

Council Members:

Howard Higgins, Chair

Kenneth N. Feller

Gary J. Cyr

Robert D. Ashby

Jon C. Durepo

Planning Board Members:

Dana Chapman, Chair

Stev Rogeski III

Anna Watt

Tim Shaw

Gary Doughty

Jeff Ashby, Alternate

Tom Sage, Alternate

Town Manager

Scott W. Seabury

Code Enforcement Officer

Richard A. Levesque, Jr.

Special thanks and acknowledgment to the following people who contributed their time and effort.

The Residents of Fort Fairfield
Ken Feller

The Fort Fairfield Planning and Development Department
Trudy Gourneault
Carl Gallagher
Scott Seabury

Table of Contents

		Page
Section 1	**Legal Status Provisions.**	**1**
	1.1 Authority	1
	1.2 Title.	1
	1.3 Jurisdiction.	1
	1.4 Conflict with Other Laws.	1
	1.5 Separability	1
	1.6 Repeal of Prior Ordinances.	1
	1.7 Effective Date.	1
	1.8 Availability	1
	1.9 Schedule of Fees, Charges, and Expenses.	1
	1.10 Purposes	2
Section 2	**Official Fort Fairfield Zoning Map**	**3**
	2.1 Official Fort Fairfield Zoning Map.	3
	2.2 Certification of Zoning Map	3
	2.3 Changes of the Official Fort Fairfield Zoning Map.	3
	2.4 Replacement of Official Fort Fairfield Zoning Map	3
	Fort Fairfield Zoning Map	4
Section 3	**Establishment of Districts.**	**6**
	3.1 Zoning Districts	6
	A. RF - Rural Farm Residential District.	6
	B. R - Residential District	6
	C. C - Commercial District	6
	D. H-O Highway Oriented Commercial District	6
	E. I - Industrial District.	6
	F. Overlay Districts.	6
	3.2 Rules Governing District Boundaries	10
	3.3 Lots Divided by District Boundaries.	10
Section 4	**District Regulations**	**11**
	4.1 Basic Requirement.	11
	4.2 Land Use Requirements.	11
	4.3 District Regulations	11
	Residential Land Uses	12
	Commercial Land Uses	13
	Industrial Land Uses	14
	Outdoor and Natural Resource Based Land Uses	15
	Institutional Land Uses	16
	4.4 Dimensional Requirements	17
	Dimensional Requirements Schedule	18
Section 5	**Non-Conformance**	**19**
	5.1 General	19
	5.2 Non-Conforming Use	19
	5.3 Non-Conforming Structures.	20
	5.4 Non-Conforming Lots of Record.	20
	5.5 Vested Rights	21
Section 6	**General Requirements.**	**22**
	6.1 Access to Lots	22
	6.2 Affordable Housing Incentive	22
	6.3 Agriculture Activities	23
	6.4 Air Emissions.	23
	6.5 Apartment Conversions.	23
	6.6 Archaeological Sites.	24

6.7 Automobile Graveyards and Junkyards....24
6.8 Bed & Breakfast....26
6.9 Campgrounds and Tenting Grounds....26
6.10 Electro-Magnetic Interference....28
6.11 Glare....28
6.12 Home Occupations....28
6.13 Hotels/Motels....29
6.14 Kennels and Veterinary Hospitals....30
6.15 Landscaping....30
6.16 Manufactured Housing....30
6.17 Mineral Exploration and Extraction....34
6.18 Mobile Home Parks....37
6.19 Multi-Family Dwellings....41
6.20 Recreational and Amusement Facility....42
6.21 Renting Rooms and Apartments....42
6.22 Restaurants....43
6.23 Sanitary Provisions....43
6.24 Satellite Receiving Dish....43
6.25 Schools, Churches, Fraternal Organizations, and Non-Profit Clubs....43
6.26 Signs....43
6.27 Soils....48
6.28 Soil Erosion Control....48
6.29 Storm Water Management....49
6.30 Temporary Dwellings....50
6.31 Water Quality....50
6.32 Water Supply....50

Section 7 Site Design Review....51
7.1 Purposes for Site Design Review....51
7.2 Applicability of Site Design Review....51
7.3 Site Design Approval....51
7.4 Site Design Notification....52
7.5 Site Design Fees and Guarantees....52
7.6 Site Design Application and Review Process....53
7.7 Site Design Application Requirements....54
7.8 Site Design Criteria and Standards....56
A. Conformance with Comprehensive Plan....56
B. Traffic....57
C. Site Access....57
D. Parking and Vehicle Circulation....57
E. Pedestrian Circulation....57
F. Site Conditions....57
G. Open Space....58
H. Sanitary Sewage....58
I. Water....58
J. Emergency Vehicle Access....59
K. Waste Disposal....59
L. Buffering....59
M. Natural Areas....59
N. Exterior Lighting....59
O. Storm Water Management....59
P. Erosion and Sedimentation Control....60
Q. Buildings....60
R. Existing Landscaping....60
S. Infrastructure....60
T. Advertising Features....60
U. Design Relationship to Site and Surrounding Properties....61
V. Scenic Vistas and Areas....61

W. Utilities. 61
X. Mineral Exploration. 61
Y. Technical Standards. 61
Z. Phosphorus Export. 61
7.9 Site Design Technical Standards. 61
A. Off-Street Parking and Loading. 61
B. Driveways 64
C. Sidewalks. 68
D. Exterior Lighting. 68
E. Buffers and Screening. 68
7.10 Conditional Approvals for Site Design. 69
7.11 Revisions to Approved Site Designs. 69
7.12 Post Approval Submissions. 69

Section 8 Administration, Enforcement, and Penalties. 70
8.1 Permit Not Required. 70
8.2 Fees. 70
8.3 Permit Application. 70
8.4 Certificate of Occupancy Required 71
8.5 Code Enforcement Officer. 72
8.6 Legal Action and Violations. 72
8.7 Penalties 72

Section 9 Board of Appeals. 73
9.1 Establishment and Organization. 73
9.2 Proceedings of the Board of Appeals 73
9.3 Powers and Duties of the Board of Appeals 73
9.4 Variances. 73
9.5 Appeal Procedure 74
9.6 Decisions of the Board of Appeals. 76
9.7 Stay of Proceedings. 76

Section 10 Amendments. 77
10.1 Initiation. 77
10.2 Procedure. 77
10.3 Adoption. 77

Section 11 Definitions. 78
11.1 Construction on Language. 78
11.2 Definitions 78

Zoning Ordinance for the Town of Fort Fairfield

Section 1 Legal Status Provisions.

1.1 Authority.

This Ordinance has been adopted in accordance with the provisions of Article VIII-A of the Maine Constitution; the provisions of MRSA Title 30-A, Section 3001 (Home Rule); and the State's Growth Management Law MRSA Title 30-A, Section 4311 et seq.; as may be amended.

1.2 Title.

This Ordinance and the accompanying Official Fort Fairfield Zoning Map shall be known as and may be cited as the "Zoning Ordinance for the Town of Fort Fairfield."

1.3 Jurisdiction.

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Fort Fairfield.

1.4 Conflict with Other Laws.

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 land, buildings, or structures shall control.

1.5 Separability.

Should any Section or part of a Section or any provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1.6 Repeal of Prior Ordinances.

All prior Zoning Ordinances, exclusive of the Fort Fairfield Shoreland Zoning Ordinance which shall remain in effect, are repealed as of the effective date of this Ordinance.

1.7 Effective Date.

This Ordinance shall take effect and be in force from the date of its adoption.

1.8 Availability.

A certified copy of this Ordinance shall be filed 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.

1.9 Schedule of Fees, Charges, and Expenses.

The Town's legislative body shall establish annually a schedule of fees, charges, and expenses, on the advice of the Town Council, Planning Board, and the Code Enforcement Officer. The fees, charges, and expenses shall be based on the Town's actual costs to administer and enforce this Ordinance. The schedule of fees shall be posted in the Town Office, and may be altered or amended only by the Town's Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 2 Official Fort Fairfield Zoning Map.

2.1 Official Fort Fairfield Zoning Map.

Districts are located and bounded as shown on the Official Fort Fairfield Zoning Map which is a made a part of this Ordinance. There may for purpose of clarity, necessitate by reasons of scale on the map, be more than one Official Fort Fairfield Zoning Map. The minimum scale for the Official Fort Fairfield Zoning Map shall be no less than the scale used to produce the comprehensive plan maps.

2.2 Certification of Zoning Map.

The Official Fort Fairfield Zoning Map is certified by the attested signature of the Town Clerk under the following words: "This is the Official Fort Fairfield Zoning Map referred to in Section 2 of the Zoning Ordinance of the Town of Fort Fairfield," together with the date of the adoption of this Ordinance. The official copy shall be located in the office of the Town Clerk.

2.3 Changes of the Official Fort Fairfield Zoning Map.

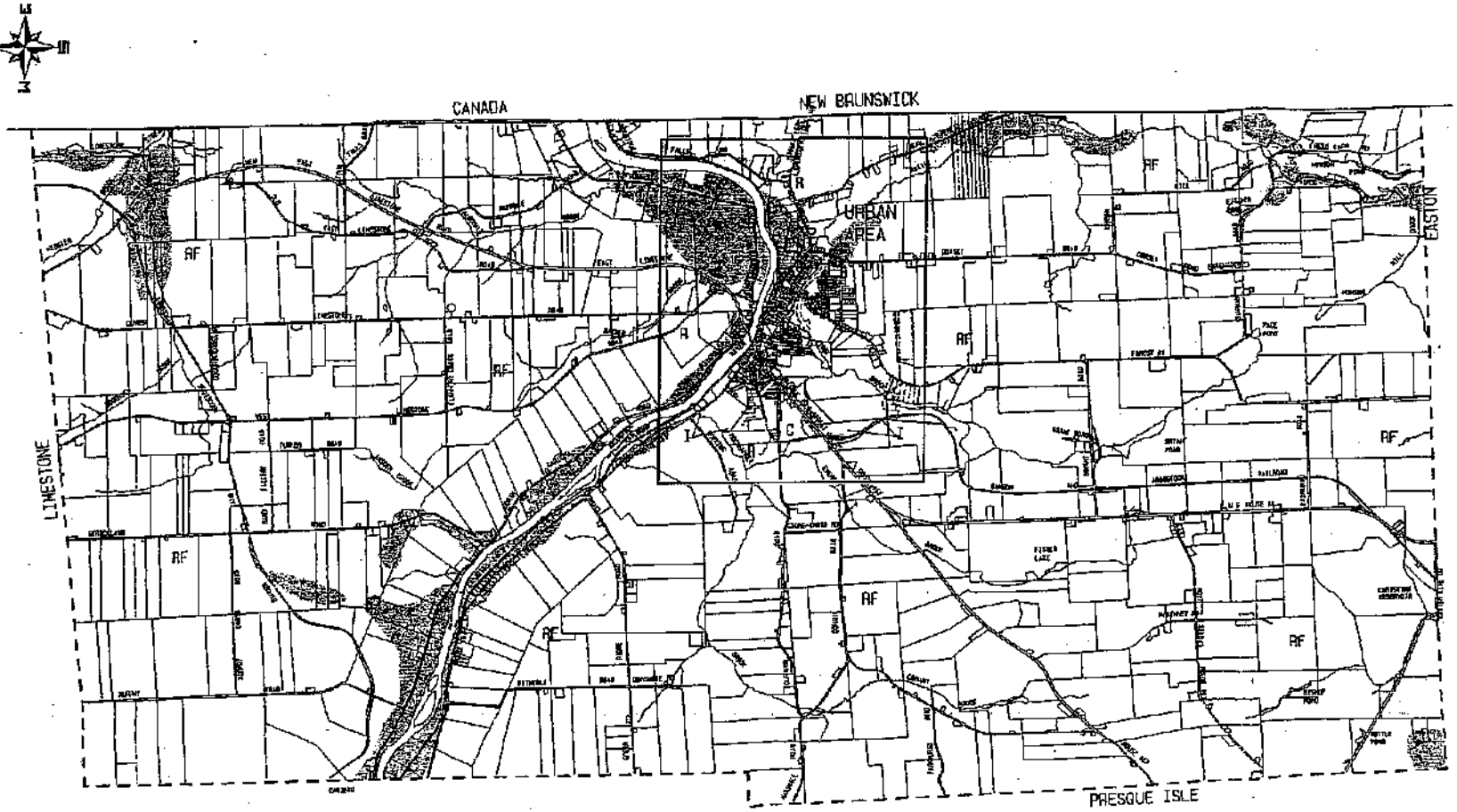
If changes are made in the district boundaries, or other matter portrayed on the Official Fort Fairfield Zoning Map, such changes shall be made on the Official Fort Fairfield Zoning Map within 14 days after the amendment has been adopted together with an entry on the Official Fort Fairfield Zoning Map as follows:

"On ____ by official action of the Town, the following change(s) was (were) made: (insert brief description of the nature of change)." Immediately beneath the entry the Town Clerk shall place his/her signature.

Amendments to the Official Fort Fairfield Zoning Map applicable to shoreland areas shall be effective upon approval of the Commissioner of the Department of Environmental Protection.

2.4 Replacement of Official Fort Fairfield Zoning Map.

In the event that the Official Fort Fairfield Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions the legislative body shall adopt a new Official Fort Fairfield Zoning Map.



LEGEND:

———	INTERNATIONAL BOUNDARIES
— — —	POLITICAL BOUNDARIES
R	GENERAL RESIDENTIAL
RF	RURAL FARM RESIDENTIAL
C	COMMERCIAL
HO	HIGHWAY ORIENTED
I	INDUSTRIAL
	SAND AND GRAVEL AQUIFER 50 TO 80 GALS PER MIN
	SAND AND GRAVEL AQUIFER <10 TO 50 GALS PER MIN

NOTE: SEE URBAN AREA OFFICIAL ZONING MAP _____.

SCALE:

0 2500 5000

1250 3750 6250 FEET

AREA SCALE:

100 ACRES
50 ACRES
10 ACRES

SCALE: 1"= 2500'+-

NMDC

THE TOWN OF FORT FAIRFIELD
OFFICIAL ZONING (RURAL AREA)

DATE: [illegible] REVISED: [illegible]

Section 3 Establishment of Districts.

3.1 Zoning Districts.

For the purposes of this Ordinance, Fort Fairfield is hereby divided into the following Zoning Districts:

A. RF - Rural Farm Residential District.

The Rural Farm Residential District is established as a zoning district whereby the principal use of the land is for agriculture, forestry, rural type residence, and customary associated uses. Included in this district are certain uses unsuited to the more densely developed urbanized portions of the Town. Large lots with ample space between buildings are required as a means of reducing traffic congestion, fire hazards, and to provide sufficient area for safe location of both private water supply and septic tank disposal systems on the same lot. Other purposes of this district include conservation of natural resources, reduction of soil erosion, and encouragement of appropriate recreational land use.

B. R - Residential District.

The Family Residential District is established as a zoning district in which the principal use of the land will be for detached family dwellings at low density with educational, recreational and religious, fraternal and non-profit organization or club facilities. The development of attractive neighborhood living will be encouraged. Areas where similar residential future growth appear possible are included in the Family Residential District. Public or community water and sewer shall serve all housing units in the Residential units in the Residential Districts.

C. C - Commercial District.

The Commercial Zoning District is established as a general business and commercial district to which the public requires frequent and convenient access. It is intended to promote concentration of commercial development for the mutual advantage of the public and the merchant.

D. H-O Highway Oriented Commercial District.

The H-O Oriented Commercial District is established as a general business and commercial district which is directly dependent upon highway access for the convenience of customers and the larger areas of land required which cannot be obtained in a central district. The purpose of the district is to provide a regulated area where the principal use is for large sales areas such as shopping centers, display areas for sale of automobiles and motorized equipment, and for the location of trucking terminals and warehouses requiring ready access to the highway.

E. I - Industrial District.

The Industrial District is established as a zoning district in which the principal use of the land is for light industrial purposes and for commercial and business uses commonly supplemental to or associated with industrial uses.

F. Overlay Districts.

The Overlay Districts (Planned Unit Development and Sand and Gravel Aquifers) shall be superimposed over an underlying District and land uses are subject to <u>both</u> the standards in the underlying and the overlay District.

1. Planned Unit Development District (PUD).

A. The Planned Unit Development District is established as an overlay District to promote progressive <u>mixed</u> development of land and construction for development in combination with residential, commercial, industrial, business, and/or office uses thereon by encouraging planned unit developments to achieve:

1. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and street;
2. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
3. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services; and
4. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The Town is prepared to accept a greater density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

B. General Requirements for Planned Unit Development.

1. Provision Conflict. Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Section and those of the other Sections of this Ordinance, the provisions of this Section shall prevail for the development of land for planned unit developments. Subjects not covered by this Section shall be governed by the respective provisions found elsewhere in this Ordinance.

2. Uses Permitted. Only those uses which are compatible with residential, commercial, industrial, public, and quasi-public uses may be combined, provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare.

3. Minimum Project Area.

   a. The amount of land devoted to planned unit development shall be determined by the Planning Board and approved by the Board of Appeals.

   b. The gross area of the tract to be developed under the planned unit development approach shall conform to the following schedule:

Type of PUD	Minimum Acreage
Commercial	5
Industrial	30
Residential-Commercial	30
Commercial-Industrial	40
Residential-Commercial-Industrial	40

   c. When the planned unit development is a mixture of residential and commercial uses; or residential, commercial, and industrial; no more than eight (8) percent of the tract may be devoted to commercial activities and nor more than twelve (12) percent of the tract to industrial activities.

4. Project Ownership. The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

5. Common Open Space.

   a. A minimum of twenty (20) per cent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.

   b. Every lot developed under the planned unit development approach should be designed to abut upon common open space or similar areas.

   c. The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Town and retained as common open space for parks, recreation, and related uses. All land dedicated to the Town must be accepted by the Town and meet the Planning Board's requirements as to size, shape, and location. Public utility and similar easements and right-of-ways, for water courses and other similar channels are not acceptable for common open space dedication to the Town unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Board.

   d. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

6. Utility Requirements. Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Board finds that such exemption will not violate the intent or character of the proposed planned unit development.

7. Height Requirements. For each foot of building height over the maximum height requirement specified within the underlying district, the distance between such buildings and the side and rear property lines of planned unit development project area shall be increased by a one (1) foot addition to the side and rear yard required in the district.

8. Parking and Loading. Off-street parking, loading, and service area shall be provided in accordance with Section 7.9 of this Ordinance.

C. Residential Planned Unit Development.

Residential planned unit developments shall be developed following the Cluster Development provisions of the Fort Fairfield Subdivision Ordinance.

D. Commercial Planned Unit Development.

1. Commercial units shall be planned as groups having common parking area and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planted buffers, screens, or fences shall be provided on the sides of the development abutting area occupied or likely to be occupied by residences.

2. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential developments.

3. All area designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Board.

4. Open space gained through the varying of setback and area requirements is to be used for the development of open plazas, pedestrian malls, tot lots, and other public spaces and uses with adequate arrangement, design, and planting.

B. Industrial, Business, and/or Office Planned Unit Development.

1. Planned unit development of industrial, business, and/or office establishments is encouraged by varying the setback and other requirements, if it can be shown that the development results in a more efficient and desirable use of land.

2. Industrial, business, and/or office uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking area, loading area of docks, and/or outdoor storage of raw materials or products. A planned industrial, business, and/or office use shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout, in order to reduce through traffic.

3. Industrial, business, and/or office units shall be planned as groups having common parking area and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planted buffers, screens, or fences shall be provided on the sides of the development abutting area occupied or likely to be occupied by residences.

4. Property side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential district or residential planned unit development. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved area shall be landscaped with trees and plantings and properly maintained at all times.

5. Certain types of commercial uses such as a restaurant, central secretarial and stenographic pools, or other business service type uses, repair services, or clinics as may form a small commercial center to serve the needs of the industries or their personnel, may be permitted in an industrial planned unit development as accessory uses.

2. Sand and Gravel Aquifer District.

A. The Sand and Gravel Aquifer District is established as an overlay District to:

1. maintain safe and healthful environmental conditions;
2. prevent and control water pollution;
3. protect spawning grounds, fish, aquatic life, bird and other wildlife habitats;
4. control building sites;
5. provide visual and physical points of access to waters and areas of natural beauty; and
6. protect and maintain the quality of surface and ground waters.

B. General Requirements for Sand and Gravel Aquifer Development.

1. This District includes sand and gravel aquifers, as identified on the Maine Geological Survey, "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*", map nos. 76 and 77, latest edition, as well as, a 500' buffer drawn around the known boundaries of these aquifers (buffers shall be updated as the aquifer mapping is updated).

2. No underground fuel or chemical tank or other buried toxic or hazardous materials shall be permitted on the aquifer or within the 500' buffer.

3. No new automobile service station shall be permitted on the aquifer or within the 500' buffer.

4. All future agricultural land uses for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming, and other agricultural uses shall be subject to the approval of the Planning Board. Such approval shall be granted upon showing that such uses shall not cause groundwater contamination, or contaminate or disturb the normal course of surface water run-off.

5. Where land abutting a water body is not covered by the Town's Shoreland Zoning Ordinance or other applicable local, state, or federal regulation equal to or less restrictive in standards to this Ordinance, a untilled agricultural buffer strip of 50 feet wide shall be retained between the tilled area and the normal high line of the waterbody or tributary stream.

3.2 Rules Governing District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Fort Fairfield Zoning Map the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, railroad rights-of-way, rivers, or streams shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following Town limits shall be construed as following such limits.

D. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

E. Sources for the exact delineation of the Special Flood Hazard areas shall be the Fort Fairfield Flood Insurance Map.

F. Sources for the exact delineation of the Aquifer Protection District shall be the latest edition of the Maine Geological Survey, "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*", map nos. 76 and 77, as amended.

G. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be construed as being parallel to or extensions of such features. Distances not specifically indicated on the Official Fort Fairfield Zoning Map shall be determined by the scale of the map.

H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Fort Fairfield Zoning Map, or other circumstances not covered by subsections A through G above, the Board of Appeals shall interpret the district boundaries.

3.3 Lots Divided by District Boundaries.

When a lot of record is divided by a use district zoning boundary, other than the boundary to an overlay zone, the following rules shall apply:

A. On lots of two (2) acres or less in area, the lot shall be used as if the entire lot were in the district which comprises the larger portion.

B. On lots larger than two (2) acres, the district regulations shall be followed in each portion.

Section 4 District Regulations.

4.1 Basic Requirement.

Permitted Uses and Uses requiring Site Design Review in all districts shall conform to all applicable specifications and requirements. A Plumbing Permit, Building Permit, and/or Certificate of Occupancy shall be required for all buildings, uses of land and buildings, and sanitary facilities, according to the provisions of this Ordinance.

4.2 Land Use Requirements.

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

4.3 District Regulations.

A. Land uses are shown in the following table and use the following key:

Key:

YES	Permitted Use
NO	Not Permitted
PB	Planning Board Review
CEO	Code Enforcement Officer Review and Permit
LPI	Local Plumbing Inspector Review and Permit
X	Footnotes (i.e.: additional requirements)

Residential Land Uses

Use or Structure	Residential R	Rural Farm RF	Commercial C	Highway Oriented HO	Industrial I
Congregate Housing	PB[2,8]	PB[2,8]	PB[2,8]	PB[2,8]	NO
Conversion of Seasonal to Year-round Dwelling	CEO	CEO	CEO	CEO	NO
Duplex Dwelling	PB	CEO	NO	NO	NO
Home Occupation	PB[2]	CEO	PB[2]	PB[2]	NO
Manufactured Home	CEO	CEO	NO	NO	NO
Mobile Home Park	PB[2,8]	PB[2,8]	NO	NO	NO
Multi-Family Dwelling	PB[2,8]	PB[2,8]	PB[2,8]	PB[2,8]	NO
Private Sewage Disposal System for Allowed Use	LPI	LPI	LPI	LPI	LPI
Residential Cluster Development	PB[2,4,8]	PB[2,4,8]	NO	NO	NO
Single Family Dwelling	CEO	CEO	NO	NO	NO
Swimming Pool	CEO	CEO	PB	PB	NO
Use Similar to Allowed Use	YES	YES	YES	YES	YES
Use Similar to Not Permitted	NO	NO	NO	NO	NO
Use Similar to Use Requiring CEO Permit	CEO	CEO	CEO	CEO	CEO
Use Similar to Use Requiring Planning Board Permit	PB	PB	PB	PB	PB
Structure Accessory to Allowed Use	CEO	CEO	CEO	CEO	NO

2. Requires Site Design Review by Planning Board.
4. Requires parcels to be ten acres or more.
8. Requires subdivision review by Planning Board if three (3) or more lots or units are proposed.

Chart deleted 02/25/98 Ordinance 98-02

Commercial Land Uses

Use Structure	Residential R	Rural Farm RF	Commercial C	Highway Oriented HO	Industrial I
Agricultural Related Sales and/or Service	NO	PB[2]	PB[2]	PB[2]	PB[2]
Amusement Facility (indoor)	NO	NO	PB[2]	PB[2]	NO
Auction Barn or Antique Sales	NO	PB[2]	PB[2]	PB[2]	NO
Auto Body Shop	NO	PB[2]	PB[2]	PB[2]	NO
Auto Car Wash	NO	PB[2]	PB[2]	PB[2]	NO
Auto Repair and/or Sales	NO	PB[2]	PB[2]	PB[2]	NO
Automobile Graveyard	NO	PB[2,3]	NO	NO	NO
Bed and Breakfast	PB[2]	PB[2]	PB[2]	PB[2]	NO
Building Materials-Retail	NO	PB[2]	PB[2]	PB[2]	PB[2]
Business, Professional, or Medical Office	PB[2]	PB[2]	PB[2]	PB[2]	PB[2]
Campground	NO	PB[2]	NO	NO	NO
Commercial Cluster Development	NO	PB[2,4,8]	PB[2,4,8]	PB[2,4,8]	PB[2,4,8]
Commercial Communication Tower	NO	PB[2]	PB[2]	PB[2]	PB[2]
Commercial Recreation	PB[2]	PB[2]	PB[2]	PB[2]	NO
Commercial School	PB[2]	NO	PB[2]	PB[2]	NO
Firewood Processing	NO	PB[2]	PB[2]	PB[2]	PB[2]
Funeral Home	PB[2]	NO	PB[2]	PB[2]	NO
Gasoline Service Station	NO	PB[2]	PB[2]	PB[2]	PB[2]
Home Occupation	PB[2]	CEO	PB[2]	PB[2]	NO
Hotel or Motel	NO	PB[2]	PB[2]	PB[2]	NO
Indoor Theater	NO	NO	PB[2]	PB[2]	NO
Junkyard	NO	PB[2,3]	NO	NO	NO
Kennel or Stable	NO	PB[2]	NO	NO	NO
Neighborhood Convenience Store	NO	PB[2]	PB[2]	PB[2]	NO
Publishing/Printing	NO	PB[2]	PB[2]	PB[2]	PB[2]
Restaurant	PB[2]	PB[2]	PB[2]	PB[2]	NO
Retail Business	NO	NO	PB[2]	PB[2]	PB[2]
Service Business	NO	NO	PB[2]	PB[2]	PB[2]
Shopping Center	NO	NO	PB[2,8]	PB[2,8]	NO
Signs	PB[2]	PB[2]	PB[2]	PB[2]	PB[2]
Veterinary Hospital	NO	PB[2]	PB[2]	PB[2]	NO
Wholesale Business	NO	NO	PB[2]	PB[2]	PB[2]
Use Similar Allowed Use	YES	YES	YES	YES	YES
Use Similar to Not Permitted	NO	NO	NO	NO	NO
Use Similar to Use Requiring CEO Permit	CEO	CEO	CEO	CEO	CEO
Use Similar to Use Requiring Planning Board Permit	PB	PB	PB	PB	PB
Structure Accessory to Allowed Use	PB	PB	CEO	CEO	PB

2. Requires Site Design Review by Planning Board.
3. Annual permit and fee required. Permit shall be issued by the Planning Board. Fee shall be collected by Town Clerk.
4. Requires parcels to be ten acres or more.
8. Requires subdivision review by Planning Board if three (3) or more lots or units are proposed.

Chart deleted 02/25/98 Ordinance 98-02

Industrial Land Uses

Use or Structure	Residential R	Rural Farm RF	Commercial C	Highway Oriented HO	Industrial I
Abattoir	NO	PB[2]	NO	NO	NO
Airport	NO	PB[2]	NO	PB[2]	NO
Bulk Grain Storage	NO	CEO	NO	PB[2]	PB[2]
Bulk Oil and/or Gas Terminal	NO	NO	NO	PB[2]	PB[2]
Commercial Recycling Operation	NO	PB[2]	PB[2]	PB[2]	PB[2]
Demolition and/or Waste Disposal	NO	PB[2]	NO	NO	PB[2]
Light Industrial Cluster Development	NO	PB[2,4,8]	PB[2,4,8]	PB[2,4,8]	PB[2,4,8]
Light Manufacturing	NO	PB[2]	PB[2]	PB[2]	PB[2]
Sawmill	NO	PB[2]	NO	PB[2]	PB[2]
Trucking and/or Distribution Terminal	NO	PB[2]	NO	PB[2]	PB[2]
Warehousing and/or Storage	NO	CEO	PB[2]	PB[2]	PB[2]
Use Similar to Allowed Use	YES	YES	YES	YES	YES
Use Similar to Not Permitted	NO	NO	NO	NO	NO
Use Similar to Use Requiring CEO Permit	CEO	CEO	CEO	CEO	CEO
Use Similar to Use Requiring Planning Board Permit	PB	PB	PB	PB	PB
Structure Accessory to Allowed Use	NO	PB[2]	PB[2]	PB[2]	PB[2]

2. Requires Site Design Review by Planning Board.
4. Requires parcels to be ten acres or more.
8. Requires subdivision review by Planning Board if three (3) or more lots or units are proposed.

Chart deleted 02/25/98 Ordinance 98-02

Outdoor and Natural Resource Based Land Uses

Use / Structure	Residential R	Rural Farm RF	Commercial C	Highway Oriented HO	Industrial I
Agriculture	PB	PB	PB[6]	PB[6]	NO
Agriculture Product Processing and/or Storage	NO	PB[2]	PB[2]	PB[2]	PB[2]
Cemetery	YES	YES	PB[2]	PB[2]	NO
Confined Feeding Operation	NO	PB[2]	PB[2]	PB[2]	PB[2]
Farm Stand	YES	YES	PB[2]	PB[2]	PB[2]
Filling and Earth Moving <10 Cubic Yards	YES	YES	YES	YES	YES
Filling and Earth Moving 10 - 1,000 Cubic Yards	YES[9]	YES[9]	YES[9]	YES[9]	YES[9]
Filling and Earth Moving >1,000 Cubic Yards	PB[2,9]	PB[2,9]	PB[2,9]	PB[2,9]	PB[2,9]
Forest Management	YES	YES	YES	YES	YES
Golf Course	NO	PB[2]	PB[2]	PB[2]	NO
Gravel and/or Stone Storage	PB[2]	CEO	CEO	CEO	PB[2]
Gravel Pit, Quarry, or Mineral Extraction	NO	PB[2]	PB[2]	PB[2]	PB[2]
Individual, Private Campsite	PB[2]	CEO	NO	NO	NO
Mineral Exploration	NO	PB[2]	PB[2]	PB[2]	PB[2]
Parking Facility	YES	YES	YES	YES	YES
Park and/or Recreation	PB[2]	PB[2]	PB[2]	PB[2]	PB[2]
Road or Driveway Construction	YES	YES	YES	YES	YES
Septage Disposal Site	NO	PB[2]	NO	NO	NO
Sludge Spreading	NO	PB[2]	PB[2]	PB[2]	PB[2]
Timber Harvesting	YES	YES	YES	YES	YES
Use Similar to Allowed Use	YES	YES	YES	YES	YES
Use Similar to Not Permitted	NO	NO	NO	NO	NO
Use Similar to Use Requiring CEO Permit	CEO	CEO	CEO	CEO	CEO
Use Similar to Use Requiring Planning Board Permit	PB	PB	PB	PB	PB
Structure Accessory to Allowed Use	CEO	CEO	CEO	CEO	CEO

2. Requires Site Design Review by Planning Board.
6. Permit required for non-commercial farm animal raising.
9. A CEO permit is required if more than 10 cubic yards is moved or filled in shoreland areas as defined.

Chart deleted 02/25/98 Ordinance 98-02

Institutional Land Uses

Use / Structure	Residential R	Rural Farm RF	Commercial C	Highway Oriented HO	Industrial I
Church, Synagogue, and/or Parish House	PB[2]	PB[2]	PB[2]	PB[2]	NO
Clinic or Hospital	PB[2]	PB[2]	PB[2]	PB[2]	NO
Community Center	PB[2]	PB[2]	PB[2]	PB[2]	NO
Day Care	PB[2]	PB[2]	NO	NO	NO
Day Care Center	PB[2]	PB[2]	PB[2]	NO	NO
Fire and/or Police Station	PB[2]	PB[2]	PB[2]	PB[2]	PB[2]
Government Office	PB[2]	PB[2]	PB[2]	PB[2]	PB[2]
Group Home, Hospice, and/or Nursing Home	PB[2,8]	PB[2,8]	PB[2,8]	PB[2,8]	NO
Municipal Recycling	PB[2]	PB[2]	PB[2]	PB[2]	PB[2]
Museum or Library	PB[2]	PB[2]	PB[2]	PB[2]	NO
Nursery School	PB[2]	PB[2]	NO	NO	NO
Pre-School	PB[2]	PB[2]	NO	NO	NO
Private or Semi-Public Club	PB[2]	PB[2]	PB[2]	PB[2]	NO
Public or Private School	PB[2]	PB[2]	PB[2]	PB[2]	NO
Public Utility Facility	PB[2]	PB[2]	PB[2]	PB[2]	PB[2]
Use Similar to Allowed Use	YES	YES	YES	YES	YES
Use Similar to Not Permitted	NO	NO	NO	NO	NO
Use Similar to Use Requiring CEO Permit	CEO	CEO	CEO	CEO	CEO
Use Similar to Use Requiring Planning Board Permit	PB	PB	PB	PB	PB
Structure Accessory to Allowed Use	PB[2]	PB[2]	PB[2]	PB[2]	PB[2]

2. Requires Site Design Review by Planning Board.
8. Requires subdivision review by Planning Board if three (3) or more lots or units are proposed.

Chart deleted 02/25/98 Ordinance 98-02

4.4 Dimensional Requirements.

Lots and structures in all districts shall meet or exceed the following minimum requirements. Height requirements do not apply to barns, barn silos, flagpoles, chimneys, transmission towers, steeples, windmills, or similar structures usually erected at a greater height than the principal building, however such accessory structures or appurtenances require a lot line setback distance of no less than its height.

Dimensional Requirements Schedule for the Town of Fort Fairfield

District (Symbol as used on Zoning Map)	Permitted Uses	Minimum Lot Size	Minimum Lot Width at Legal ROW	Total Lot Coverage	Principal Building				Accessory Buildings			Minimum # of Off-Street Parking/Loading Spaces	Signs	Other District Provisions and Requirements
					Maximum Height	Minimum Yard Dimensions Front*	Each Side	Rear	Maximum Height	Minimum Distance in Feet To: Side Lot Line	Rear Lot Line			
RF	See: Section 4	1 Acre	200'	25%	35' 2.5 Stories	50'	25'	25'	35'	25'	25'	See: Section 7.9	See: Section 6.26 Signs	Mobile Home Parks shall be allowed only directly adjacent to the Urban Compact Area.
R	See: Section 4	1F-10000SF 2F-15000SF 3F-20000SF	100'	25%	35'	40' **	10' 30' for corner lot	20'	35'	10'	10'	See: Section 7.9	See: Section 6.26 Signs	Minimum Lot Depth 100'. No accessory structure in front yard setback
C	See: Section 4	8000SF	60'	-	40' 3 Stories	30'	5'	20'	40'	5'	20'	See: Section 7.9	See: Section 6.26 Signs	No accessory structure in front yard setback
HO	See: Section 4	1 Acre	150'	30%	40' 3 Stories	50'	25'	25'	40'	25'	25'	See: Section 7.9	See: Section 6.26 Signs	No accessory structure in front yard setback
I	See: Section 4	1 Acre	200'	30%	40' 3 Stories	50'	25'	25'	40'	25' 50' Residential	25' 50' Residential	See: Section 7.9	See: Section 6.26 Signs	No accessory structure in front yard setback

* The measurement for the Front Yard setback shall be from the edge of the legal right-of-way.

** 40 feet or the average of the directly adjacent lots.

Section 5 Non-Conformance.

5.1 General.

A. Continuance, Enlargement, Reconstruction. Any non-conforming use, non-conforming lot of record, or non-conforming structure may continue to exist, but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.

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

C. Restoration or Replacement. This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures without the need for a permit; repairs, renovations, or modernizations which do not involve expansion of the non-conforming use or structure and the value of which is less than 50 percent of the market value of the structure before the repair is started, except for the willful destruction by act of the owner or their agent; and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require. Any non-conforming use or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or their agent, may be restored or reconstructed within one (1) year of the date of said damage or destruction, provided that:

1. The non-conforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces;

2. Any non-conforming structure shall not be enlarged except in conformity with this Ordinance and the State of Maine Subsurface Wastewater Disposal Rules; and

3. Any non-conforming use shall not be expanded in area.

D. Nothing in this Section shall prevent the demolition of the remains of any building so damaged or destroyed.

5.2 Non-Conforming Use.

A. Resumption Prohibited. A lot, building, or structure in or on which a non-conforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use, even if the owner has not intended to abandon the use.

B. A Structure Non-Conforming As To Use. Except for single-family dwellings, a building or structure, non-conforming as to use, shall not be enlarged unless the non-conforming use is terminated. Except in a Resource Protection district, single family dwellings, which are non-conforming uses, may be enlarged as long as the dimensional requirements of the district in which they are located are met. A non-conforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use non-conforming.

C. Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the district than the existing non-conforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the Board of Appeals. The case shall be heard as an administrative appeal. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The requirements of Sections 6 and 7 of this Ordinance shall apply to such requests to establish new non-conforming uses.

D. Use of Land. A non-conforming use of land may not be extended into any part of the remainder of a lot of land. A non-conforming use of land which is accessory to a non-conforming use of a building shall be discontinued at the same time the non-conforming use of the building is discontinued.

In the case of earth removal operations, the removal of earth may not be extended as a non-conforming use beyond the required set-back lines of the specific parcel upon which such operations were in progress when such use became non-conforming, as required by the performance standards for extractive industries. Adjacent parcels in the same or different ownership shall not be eligible for exemption under the non-conforming use provisions unless earth removal operations were in progress on these parcels before these provisions were enacted.

The provision of required off-street parking for an existing non-conforming use shall not be considered the expansion of the use.

5.3 Non-Conforming Structures.

Pertaining to dimensional requirements. Applications regarding non-conforming use shall be reviewed under the provisions above.

A. Enlargements Controlled. A non-conforming structure shall not be added to or enlarged unless: such addition or enlargement conforms to all the regulations of the district in which it is located; the addition does not increase the non-conformity of the structure; or a variance is obtained. In addition, state laws must be adhered to.

1. The addition of an open patio with no structures elevated above ground level shall not constitute the expansion of a non-conforming structure. The addition of steps or the enclosure of an existing deck shall not constitute the expansion of a non-conforming structure. But, the addition of a deck shall constitute the expansion of a non-conforming structure and shall meet all the dimensional requirements of this Ordinance.

2. The placing of a foundation below a lawfully existing non-conforming structure shall not constitute the expansion of the structure so long as the first floor space of the structure is not increased.

3. Construction or expansion of a foundation under an existing dwelling which expands habitable space shall be considered an expansion and shall be subject to the State Plumbing Laws (Title 30, Maine Revised Statutes Annotated, S3221, Subsection 4) requiring documentation of wastewater disposal capabilities.

B. Discontinuance. Discontinuance of the use of a legally existing non-conforming structure shall not constitute abandonment of the structure. Conforming use of the structure may be commenced at any time.

C. Lack of Required Parking or Loading Space. A building or structure which is non-conforming as to the requirements for off-street parking and/or loading space shall not be enlarged, added to, or altered unless off-street parking and/or loading space is provided to bring parking and/or loading space into conformance with the requirements of this Ordinance for both the addition or alteration and for the original building or structure, or a variance is obtained.

5.4 Non-Conforming Lots of Record.

A. Vacant Lots. A vacant non-conforming lot may be built upon provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variance of setback or other requirements not involving area or width shall be obtained only by action of the Board of Appeals.

B. Built Lots. A non-conforming lot that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) cannot meet the dimensional requirements of this Ordinance a variance shall be obtained from the Board of Appeals.

C. Contiguous Built Lots. If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principle use exists on each lot, the non-conforming lots may be conveyed separately or together, providing the State Minimum Lot Size Law and State of Maine Subsurface Wastewater Disposal Rules are complied with. If two (2) or more principal uses existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot.

D. Contiguous Lots - Vacant or Partially Built. If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of those lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if two (2) or more of the lots are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional standards, except where rights have vested, or the lots have frontage on parallel streets and state laws are complied with.

5.5 Vested Rights.

Non-conforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required state permits and approvals. Such rights arise when substantial construction of structures and development infrastructure improvements for Town approved subdivisions began prior to or within twelve (12) months of the adoption of this Ordinance, or in the case of pending applications when substantial review of an application has commenced. Such construction must be legal at the time it is commenced and the owner must be in possession of an in compliance with all validly issued permits, both state and local.

Section 6 General Requirements.

6.1 Access to Lots.

No building permit shall be issued to erect any structure on a lot without frontage on a public way unless an access road meeting the following criteria has been constructed within a deeded right-of-way having a minimum width of fifty (50) feet. The access road shall be constructed to a minimum width of twenty (20) feet if serving one or two dwelling unit(s). The access road shall contain a minimum depth of fifteen (15) inches of bank-run gravel and have drainage ditches and culverts at all appropriate points. Such an access road shall serve no more than two (2) dwelling units. Any access road serving between three (3) and eight (8) dwelling units shall meet the road design and construction standards for a local road contained herein, but need not be paved. Any access road serving more than eight (8) dwelling units shall meet the road design and construction for a local road contained herein, and shall be paved.

6.2. Affordable Housing Incentive.

A. Purpose. The purpose of the affordable housing incentive is to comply with the policies of the Town's Comprehensive Plan and to encourage developers of residential subdivisions and multi-family developments to provide lots or units which are affordable to very low, low, and median income households as defined by the United States Department of Housing and Urban Development (HUD)

B. Incentive. The Planning Board may, in approving a residential subdivision (but not a mobile home park) and multi-family development, allow for an increase of up to 10 percent in the total number of lots or units in a proposal if the applicant can meet the following criteria and provisions:

1. Documentation is provided to the Planning Board that subsurface sewage disposal systems will be sufficient to meet the increased density;

2. The Planning Board shall require all provisions of this Ordinance and the Town's Subdivision Ordinance to be met except provisions relating to density;

3. The applicant shall provide the Planning Board with information as to the upper income limits for very low, low, and median family incomes prepared and published by the Department of Housing and Urban Development (HUD) and affordability formulas and data used to calculate rents and prices;

4. Prior to the initial occupancy of any multi-family dwelling unit which the affordable housing incentive created, the Code Enforcement Officer shall be provided proof that the occupant(s) meet the very low, low, or median income criteria;

5. The Planning Board shall require the applicant to provide proof that upon transfer, sale, or disposition of the multi-family unit and/or complex, those units created as the result of the affordable housing incentive shall continue to be occupied by very low, low, or median income households;

6. Prior to the initial sale of any lot or lot and dwelling which the affordable housing incentive created, the Code Enforcement Officer shall be provided proof that the purchaser meets the very low, low, or median income criteria; and

7. The Planning Board shall, at time of subdivision approval, require the deed to the lot(s) or lots and dwelling units which the affordable housing incentive created contain a transfer, sale, or disposition clause that provides legally enforceable assurances that upon transfer, sale, or disposition that the property sale remains affordable to very low, low, or median income households. The Planning Board shall require, at a minimum, the following provisions to be contained in the deed:

   a. Transfer shall be to a very low, low, or median income household;
   b. Upon death of the owner, the property may be transferred to the following:

      i. spouse;
      ii. child or children;

iii. members of the household who have resided on the premises for at least one year;
iv. future sale prices of lots which the affordable housing incentive created shall be based upon an inflation factor based upon the Consumer Price Index or if no longer published an equivalent index and an improvement factor;
v. future sale prices of lots and dwellings which the affordable housing incentive created shall be based upon an inflation factor based upon the Consumer Price Index or if no longer published an equivalent index, improvement factors and wear and tear factor.

8. The term of such deed restrictions shall be 40 years.

6.3 Agriculture Activities.

All agricultural activities shall meet the following standards:

A. All spreading or disposal of manure shall be accomplished in conformance with the "*Maine Guidelines for Manure/Sludge Disposal on Land*" published by the University of Maine and the Maine Soil and Water Conservation Commission, in July 1972 or subsequent revisions thereof.

B. All spreading or disposal of potatoes shall be accomplished in conformance with the "*Maine Guidelines for Field Disposal of Waste Potatoes*", as updated or revised.

6.4 Air Emissions.

No emissions of dust, ash, smoke, or other particulate matter which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which is composed of solid or liquid particles in concentrations exceeding those specified in Title 38 MRSA Sections 100-136 of the conveying gas or air at the point of emission from a chimney stack is permitted. The emission of non-farming, odorous matter in such quantities, as determined by the CEO, to be offensive at the lot boundaries is prohibited. As a guide for determining quantities of offensive odors the CEO shall refer to the smallest values designated in Title 38 MRSA Sections 100-136 which is hereby incorporated in and made a part of this Section by reference.

6.5 Apartment Conversions.

A. Purpose. The purpose of these standards are: to provide affordable rental units; to make housing units available to lower income households who might otherwise have difficulty finding housing in Town; and to protect property values and traditional residential characteristics.

B. General Requirements. The conversion of single-family dwellings, existing on the effective date of this Ordinance, located on lots which otherwise would not meet the dimensional requirements for multi-family housing, may be converted to multi-family with a permit issued by the Code Enforcement Officer, provided that the following are met:

1. A single-family dwelling unit to be converted to multi-family units served by public sewerage shall have no dwelling unit smaller than 10,000 SF for the first unit and 5,000 SF for each unit thereafter. If public sewerage is not available, no dwelling unit to be created shall be smaller than 20,000 SF.

2. Such conversation shall not create more than three (3) dwelling units in any structure, including the original dwelling unit. If the construction of the structure began on or after September 23, 1988, and if three (3) or more dwelling units are created in a five-year period, subdivision approval is required from the Planning Board as required by Title 30-A MRSA Section 4401 et seq.

3. The additional dwelling units shall be complete, separate housekeeping units that are isolated from the original unit.

4. The additional dwelling units shall be designed so that the appearance of the structure remains that of a single-family dwelling, with the exception of emergency egress, if so required.

5. The design and size of the additional dwelling units conform to all applicable standards of the Town Building Code, if applicable, and all other Town codes.

6. Two (2) off-street parking spaces shall be provided per dwelling unit.

7. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.

6.6 Archaeological Sites.

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

6.7 Automobile Graveyards and Junkyards.

A. Administration

1. This Section of the Ordinance shall be administered by the Planning Board. No automobile graveyard or junkyard permit shall be issued unless the provisions of this Ordinance are complied with. The Planning Board may recommend reasonable conditions to any permit issued by the Town Council to insure compliance with the performance standards and other requirements of this Ordinance.

2. Permits shall be renewed annually by the Town Council to remain valid and expire on June 30th of each year. Once the site design is approved it does not have to be resubmitted unless there are to be changes to the site. The Town officers shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this Ordinance and state law are complied with.

3. An annual fee established by the Town of $50 shall be submitted with the permit application, plus the cost of posting and publishing the notice of public hearing required below.

4. The Town may require than an escrow account of $500 be established by the applicant in the name of the "Town" for the purposes of obtaining independent verification of application data, if necessary. If the balance in the account shall be drawn down by 75 percent, the Town shall notify the applicant and require that the account balance be reestablished by the applicant to the escrow account's indicated amount. The Town shall continue to notify the applicant and require additional payments into the account, as necessary. Any balance remaining in the account after final determination has been made, shall be returned to the applicant.

5. Upon receipt of a final application, the Planning Board shall hold a public hearing in accordance with Title 30-A, MRSA, Section 3754.

B. Applicability.

This Section of the Ordinance shall apply to the zoning districts where automobile graveyards and junkyards are permitted and existing, non-conforming automobile graveyards and junkyards, regardless of their zoning district. Automobile graveyards and junkyards area prohibited in the remaining districts.

C. Requirements for New Automobile Graveyards and Junkyards.

1. Permit Required. No person may establish, operate, or maintain an automobile graveyard or junkyard without first obtaining a non-transferable permit from the Town Council. At the time of filing an application for a permit under this Ordinance, the applicant shall present either a permit from the Maine Department of Environmental Protection (MDEP) or a letter from the MDEP stating that a permit is not required.

2. Submission Requirements. Any application for an automobile graveyard or junkyard permit shall contain the following information:

   a. The applicant shall submit a site design drawn to a scale not to exceed 1"=100', on which is shown:

      1. the boundary lines of the property;
      2. the exact location of any existing and proposed junkyard or automobile graveyard and their distances to nearby roads and property lines;
      3. the soils as reflected from a high intensity soils survey;
      4. the location of on-site septic system(s) and drinking water supplies;
      5. topographic contours at intervals of 10';
      6. the location of any sand and gravel aquifer or aquifer recharge area, as mapped by the Maine Geological Survey, "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*", map nos. 76 and 77, or a licensed geologist;
      7. the location of any residences, schools, churches, cemeteries, public parks, beaches, and playgrounds within 500 feet of the area where cars or junk will be placed;
      8. the location of any waterbodies or inland wetlands areas on the property and/or within 200 feet of the property lines;
      9. the boundaries of any 100-year floodplain; and
      10. the location of all roads within 1000' of the site.

   b. The names and addresses of all abutting or impacted property owners, as determined by the Planning Board.
   c. The name(s) and address(es) of the person(s) or entity(ies) who will operate the site.
   d. The height and material used in any existing and proposed screening.

D. Performance Standards for all Automobile Graveyards and Junkyards.

The following performance standards shall be required of all automobile graveyards and junkyards:

1. The junkyard or automobile graveyard must be screened from ordinary view from any road, as required by statute. The site of the automobile graveyard or junkyard shall have an effective visual screen no less than six (6) feet in height, and be built in accordance to the Maine Department of Transportation's rules issued pursuant to Title 30-A, MRSA, Section 3759. A plan for visual screening shall be submitted to the Planning Board for approval in conjunction with the application for a permit.

2. No vehicle or junk shall be stored within 300 feet of any waterbody or inland wetland.

3. No vehicle or junk shall be stored within 500 feet of any (residences), private well, school, church, cemetery, public playground, public beach, or public park.

4. No vehicles or junk shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey, "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*", map nos. 76 and 77 or by a licensed geologist.

5. No vehicles or junk shall be stored within the 100-year flood plain.

6. Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid, and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable federal, state, or local laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle or junk shall be permitted into or onto the ground.

7. There will be no disposal or release to the environment of any solid, special, or hazardous wastes;

8. There will be no open burning of any substances;

9. All vehicles or junk shall be located no closer than 100 feet from all property lines.

10. To reduce noise, all dismantling, crushing, and other activities shall be done between 7 AM and 9 PM, Monday through Sunday.

11. All federal and state hazardous waste laws and regulations shall be complied with.

12. In all instances the burden of proof shall be upon the applicant for the permit.

13. Any automobile graveyard or junkyard in existence on the date of adoption this Ordinance, may remain in operation on the current parcel of land, providing it meets all pertinent statutory and Ordinance requirements.

14. Any automobile graveyard or junkyard shall not expand unless all statutory and requirements of this Ordinance are met.

6.8 Bed & Breakfast.

A. There shall be no less than one parking space for each rental room in addition to the spaces required for the dwelling unit.

B. There shall be one bathroom provided for every four (4) rental rooms, in addition to the bathroom for the dwelling unit.

C. Each rental room shall have not less than ten by twelve (10 X 12) feet horizontal dimensions.

D. Each rental room shall be equipped with an approved smoke detector.

6.9 Campgrounds and Tenting Grounds.

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following (in cases of possible conflict, the stricter rule shall apply):

A. General.

1. A campground must be constructed on at least 10 acres of land, and all camping units or structures shall be located at least 100 feet from any property line and 200 feet from any resident (except residences belonging to the campground owners).

2. Campsites shall be laid out and screened in such a manner that none are within view from public roads, navigable rivers, existing residences or approved subdivision lots. Any combination of evergreen planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standards, when campsites would otherwise be visible from the locations described above.

3. No trailers other than recreational vehicles or utility trailers as defined herein, shall be permitted within any campground, temporarily or otherwise. No camping unit shall be stored or exhibited for sale for commercial purposes within the park.

4. Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density of each developed acre of land does not exceed the standards below (in terms of sites per acre of land, excluding circulation roads) Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

	Non-Shoreland	Shoreland Areas
Tent sites	14 per acre	8 per acre
RV sites	11 per acre	7 per acre

5. The minimum frontage of a campsite along any shoreline of a waterbody shall be 100 feet. The minimum setback from the normal high-water line shall be 100 feet for all recreational vehicles, tents, or other vehicles and temporary or permanent structures.

6. No campsite shall be located within a Resource Protections District or within the 100 year floor plain.

B. Parking and Circulation.

1. A minimum of three hundred (300) SF of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site. Recreational vehicles shall be parked in spaces so that:

   a. there shall be a minimum of 50 feet between vehicles; and
   b. there shall be a minimum of 75 feet between all recreational vehicles and tents, and all public rights-of-way located inside the boundaries of the campground.

2. Vehicular access shall be provided onto a gravel or paved surface and be designed and constructed according to the Road Design and Construction standards contained within Section 10 (D) of the Fort Fairfield Subdivision Ordinance adequate for the volume and type of traffic likely to be generated. Grades and sight distances, also specified in Section 10 (D), shall be observed in designing all intersections. Roads shall be constructed of at least 12" of bank-run gravel (no stone larger than 4"), 2" of crushed gravel (1/2" chips) and two (2) applications of liquid asphalt (1/2 gallon per sq. yd. each application). The minimum width of roadways shall be twelve feet for one-way roads and 22' for two-way roads. No vehicle parking shall be permitted on the roadway.

C. Health and Safety.

1. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table and trash receptacle. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck or in enclosed containers or bags to an approved disposal area at least once every three (3) days.

2. A campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State of Maine Subsurface Wastewater Disposal Rules and the Internal Plumbing Rules. In no case shall less than one toilet and lavatory be provided for each sex for every ten camping and tent sites. All recreational vehicle sites shall be equipped with water and sewage hook-ups, and connected to approved distribution or disposal systems.

3. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. 24-hour emergency communication service (e.g. telephones) shall be provided.

D. Planning and Review.

1. Roads, parking, campsites, and required facilities shall be planned in accordance with the basic principles outlined below, and shall be shown on the proposed plan which is submitted for review and approval as a Conditional Use:

   a. A logical sequence of entry and circulation should be created: entrance, administration and storage, parking, campsites, toilets and laundry, playing fields, or shoreline.

   b. Campsites should be clustered in groups according to intensity of us (low density, medium density, etc.) and also related to common support service areas (laundries, play areas, etc.) serving a number of campsite clusters. The purpose is to minimize road length, increase accessibility, and preserve open space.

   c. Footpaths and roads should follow "desire lines" of pedestrian and vehicular movement between campsites and all jointly used facilities. Parking areas may be grassed, reinforced with open concrete blocks.

d. Access roads shall be laid out as loops to the greatest extent practicable, although "cul-de-sacs" or "dead-ends" may be allowed to serve up to twenty campsites.

2. A soil erosion and sedimentation control plan approved by the County Soil and Water Conservation District shall be submitted. In addition to data on soils, slopes and drainage, a vegetation map showing the following items may be required:

   a. The major types of vegetation should be identified and described (as to age, height, openness or density, and pattern, either natural or reforested).

   b. New planting should be selected to provide screening and shelter, to tolerate existing and proposed site conditions, and to blend compatibly with existing natural vegetation.

   c. All vegetative clearing should avoid creating straight line edges between open land and surviving stands.

   d. Areas of activity and/or traffic should be sited to avoid wildlife areas (such as thickets for birds and small mammals, or deer yards and trails).

6.10 Electro-Magnetic Interference.

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

6.11 Glare.

Lighting may be used which serves security, safety, and operational needs, but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

6.12 Home Occupations.

A. The use of a dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.

B. There shall be no change in the outside appearance of the building or premise that shall cause the premise to differ from its residential character by use of colors, materials, construction, lighting, sounds, or noises.

C. Exterior storage of materials and any other exterior evidence of home occupation shall be located and screened so as not to detract from the residential character of the principal building.

D. Exterior display shall be limited to no more than two (2) single items representative of products sold or manufactured on premises, regardless of the number of articles which are sold or manufactured.

E. The following requirements shall be satisfactorily demonstrated to the Planning Board and the Code Enforcement Officer before a permit is issued:

   1. The home occupation shall employ no more than two (2) persons other than family members residing in the residence.

   2. The home occupation shall be carried on wholly within the principal or accessory structure.

   3. Objectionable noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be detectable beyond the property line of the regulated activity.

4. In addition to the off-street parking provided to meet the normal requirements of the dwelling, off-street parking shall be provided for each employee and user of the home occupation as contained in Section 7.9 within this Ordinance. If additional parking spaces are to be provided, they should be located to the rear or side yard of the principal structure, but not within the required yard setbacks.

5. No traffic shall be generated by such home occupation in a volume greater than would normally be expected during the peak hour.

6. The sale of products shall be limited to normal business hours and to those items which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, and to items which are accessory and incidental to a service which is provided on the premises.

7. Signs shall be permitted and must meet the performance standards for "Signs" in this Ordinance.

8. The home occupation shall not use utilities beyond that normal for residential properties.

9. The home occupation shall not involve the use of heavy commercial vehicles for delivery from or to the premises.

F. Should all of the above conditions not be maintained on a continual basis once the permit has been issued, the Planning Board, upon the advice of the Code Enforcement Officer, shall schedule a public hearing to determine whether the permit should be rescinded.

G. All other applicable Performance and Technical standards of this Ordinance shall also be observed.

6.13 Hotels/Motels.

For traffic safety on and immediately adjoining each motel, hotel, or inn and to assure health, safety, and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be complied with. The terms hotel, motel, and inn are used interchangeably.

A. A green space shall be maintained open and green with grass, bushes, flowers, or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.

B. If cooking or eating facilities are provided in hotel rental units, each rental unit shall be considered a dwelling unit and the hotel shall be required to meet all the standards for multifamily developments in this Ordinance, including the residential density requirements of the appropriate district.

C. Each motel rental unit shall contain not less than two hundred (200) SF of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than twelve by fifteen (12X15) feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.

D. On each hotel lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.

E. Hotel building construction plans shall be reviewed and approved by the Fire Chief.

F. Recreational vehicle parking stalls shall be designed to accommodate the traveling public with a minimum stall width of eleven (11) feet and stall depth of twenty-three (23) feet. Angled parking stall width and depths shall be increased by 10 percent and 25 percent above the parking standards contained in this Ordinance.

G. All hotels shall be connected to the public sewer and water systems.

H. No building shall be closer than fifty (50) feet from a property line.

I. All other relevant Performance and Technical standards of this Ordinance shall also be observed.

6.14 Kennels and Veterinary Hospitals.

A. Structures or pens for housing or containing the animals shall be located not less than one hundred (100) feet from the nearest residence, other than the owners', existing at the time of permit.

B. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.

C. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide a breeding place for insects, vermin, or rodents.

D. Temporary storage containers for any kennel, or veterinary wastes containing or including animal excrement, shall be kept tightly covered at all times, and empties no less frequently than once every four (4) days. Such containers shall be made of steel or plastic to facilitate cleaning, and shall be located in accordance with the setbacks required for outdoor runs.

E. If outdoor dog "runs" are created, they shall be completely fenced in, and shall be paved with cement, asphalt, or a similar material to provide for cleanliness and ease of maintenance.

F. Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of 400 feet from nearest residence other than the applicants, and shall have a chimney vent not less than 35 feet above the average ground elevation. The applicant shall also provide evidence that they have obtained approval from the Maine Department of Environmental Protection for the proposed incinerator, and that it meets state standards for particulate emissions, flue gas temperature, and duration of required flue temperatures.

G. All other relevant performance and technical standards of this Ordinance shall also be observed.

6.15 Landscaping.

The landscape shall be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes in keeping with the general appearance of neighboring developed areas. Landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses. All parking lots shall be landscaped along the property boundaries with shrubbery, trees, and other landscape materials. Large parking lots shall provide one 2 1/2" caliper shade tree per 20 parking spaces (6 trees per acre) located at representative points throughout the lot.

6.16 Manufactured Housing.

A. Applicability.

All manufactured housing units to be relocated into the Town from another municipality to an individual lot or onto a mobile home park lot shall be placed on a permanent foundation, have exterior siding that is residential in appearance, and have a pitched roof covered with shingles or other materials acceptable to the Code Enforcement Officer.

Note: Manufacturing housing units owners are encouraged to check with the manufacturer of their unit to review warranty information (i.e. permanent foundation)

B. **Safety Standards.**

The following standards shall be required of all manufactured housing units, built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Chapter 70, to be relocated into the Town from another municipality to an individual lot or onto a mobile home park lot, or relocated from within the Town to an individual lot or onto a mobile home park lot in the Town.

1. Exit Facilities - Exterior Door.

   a. Required egress doors shall not be located where a lockable interior door must be used in order to exit.

   b. Homes shall have a minimum of two (2) exterior doors not less than 12' from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required doors must be accessible from the doorway of each bedroom without traveling more than 35'.

   c. All exterior swinging doors shall provide a minimum of 32 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum of 32 inches wide by 72 inches high clear opening. Locks shall not require the use of a key from the inside.

2. Exit Facilities - Egress Windows and Devices.

   Homes shall have the following emergency egress facilities:

   a. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of NFPA Life Safety Code 101, fourth edition.

   b. The bottom of the window opening shall not be more than 44 inches above the floor.

   c. Locks, latches, operating handles, tabs, and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54 inches from the finished floor.

3. Interior Doors.

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

4. Fire Detection Equipment.

   a. At least one operating smoke detector shall be installed in the home in the following locations:

      1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door, unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side and the bedroom side. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.

      2. When located in hallways, the detector shall be between the return air intake and the living area.

      3. The smoke detector shall not be placed in a location which impairs its effectiveness.

      4. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985.

5. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 6 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 6 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceilings).

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

a. Ceiling interior finish shall not have a flame spread rating exceeding 75.

b. Walls or ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not to exceed 25. Sealants and other trim material 2 inches or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.

c. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.

d. Kitchen cabinet doors, countertops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not exceeding 200.

e. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread rating of 200.

f. No burner of a surface cooking unit shall be closer than 12 inches horizontal to a window or an exterior door.

6. Kitchen Cabinet Protectors.

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

b. The metal hood shall not be required if there is an oven installed between the cabinet and the range.

c. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

7. Carpeting.

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

8. Roof Loads.

All homes with roofs added after construction shall require a Maine registered professional engineer to inspect the roof to determine that the roof can withhold loads of seventy (70) pounds per square foot and wind uplifts that may occur.

9. Heating and Fuel Burning System

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

10. Electrical System.

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

C. Inspection, Violations, and Enforcement.

1. Inspection.

a. All improvements required by this Ordinance shall be completed within nine (9) months from the date of Code Enforcement Officer (CEO) approval. At least five (5) days prior to commencing construction of the required improvements, the owner shall notify the CEO in writing of the time when he/she proposes to commence construction of such improvements, so that the CEO can cause inspection to be made to assure that all specifications, requirements, and conditions shall be met during the construction of the required improvements, and to assure the satisfactory completion of improvements and utilities required by the CEO, this Ordinance, and/or if applicable, the Planning Board.

b. If the CEO finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the specifications, requirements, and conditions, the CEO shall so report in writing to the Town officers, owner, builder, and if applicable, the Planning Board. The Town officers or their authorized agent shall take any steps necessary to preserve the Town's rights, such as but not limited to, entering into an administrative consent agreement for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use shall result in a threat or hazard to public health and safety or shall result in substantial environmental damage.

c. If at any time before or during the construction of the specifications, requirements, and conditions, it appears to be necessary or desirable to modify the specifications, requirements, and conditions, the owner or builder shall notify the CEO, and if applicable, the Planning Board, in writing. The CEO is authorized to approve modifications due to unforeseen circumstances. The CEO shall issue any approval in writing and shall transmit a copy of the approval to the Town Clerk, and if applicable, the Planning Board. Revised specifications, requirements, and conditions shall be filed by the CEO.

2. Violations.

a. Any person, after receiving approval from the CEO, who fails to make the required specifications, requirements, and conditions in a manner other than indicated herein or in violation of any condition imposed by the CEO and/or the Planning Board, shall be in violation of this Ordinance.

b. No public utility, water district, sanitary district, grading or construction of roads, grading of lands or lots, construction of buildings, or any utility company of any kind shall install services to any manufactured housing unit, until approval for such unit has been given by the CEO. Following the installation of service, the company shall forward the written authorization to the CEO indicating that installation has been completed.

c. A building inspector may not issue any permit for a unit unless the unit has been approved under this Ordinance.

3. Enforcement.

a. Code Enforcement Officer (CEO).

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, the CEO shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it. The CEO shall order the removal of any illegal buildings, structures, additions or work being done, or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, its provisions.

2. The Code Enforcement Officer shall maintain a current file of all pertinent federal, state and local statutes, ordinances, regulations, codes, and plans relating to manufactured housing regulation.

3. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to approval. The CEO may enter onto 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 the laws or ordinances. If consent is denied the CEO should obtain an administrative warrant before entering the property. The CEO may revoke a permit after proper notification and a public hearing if it was issued in error or if based on erroneous information.

b. Legal Action and Violations.

When any violation of any provision of this Ordinance shall be found to exist, the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Fort Fairfield.

c. Fines.

Any person, firm, or corporation being the owner, contractor or having control or use of any unit who violates any of the provisions of this Ordinance shall upon conviction be fined in accordance with provisions of Title 30-A MRSA, 4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. Fines shall be made payable to the Town of Fort Fairfield.

6.17 Mineral Exploration and Extraction.

A. Mineral Exploration.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) SF of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled, or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

B. Mineral Extraction.

1. Any extraction operation that requires a permit from the Maine Department of Environmental Protection (MDEP) under the Site Location of Development Act shall obtain written approval from the MDEP and the Planning Board.

2. Any mineral extraction activity of less than five (5) acres and/or any mineral extraction activity which will remove more than 1000 cubic yards of product within 12 successive months shall require a permit from the Planning Board.

C. Submission Requirements.

The following submission requirements shall apply to any mineral extraction activity of less than five (5) acres and/or any mineral extraction activity which will remove more than 1000 cubic yards of product within 12 successive months. In addition to any other submission requirements contained herein, any application for a mineral extraction activity shall provide the following additional submission requirements:

1. Existing and proposed limits of the excavation, clearly delineated.
2. Location, function, and ground areas of all structures, facilities, parking lots, and roads.
3. Entrance and exit locations.
4. Gates or other means of access control.
5. Pre- and post-development topography shall use an interval of two (2) foot contours for pits of less than five (5) acres.
6. Location of topsoil stockpile area(s).
7. Areas where natural vegetation will be left and where plantings will be made to screen the extraction operation from view.
8. Slopes and vegetation for protecting adjacent structures.
9. Location of any test pits or borings and observation wells documenting the seasonal high water table.
10. Proposed disposal method of stumps, grubbings, and other debris.
11. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of subsection E, below.
12. For pits of five (5) acres or more, at least one cross section along the axis of the pit and another cross section at a right angle to it. The cross section diagrams should show the existing grade, the proposed final grade including the maximum depth of elevation, depth to the ground water, and the stratigraphy of the surficial deposits at the site.
13. Location of any significant wildlife habitats as designated by the Maine Department of Inland Fisheries and Wildlife and areas listed under the Maine Department of Economic and Community Development's, Natural Areas Program.

D. Review Criteria and Standards.

The following criteria and standards shall apply to any mineral extraction activity of less than five (5) acres and/or any mineral extraction activity which will remove more than 1000 cubic yards of product within 12 successive months.

1. The area of a working pit shall not exceed four (4) acres.

2. Existing vegetation within a buffer strip shall not be removed. If vegetation within the buffer strip has been removed or disturbed by activities related to the operation of the extraction operation, that vegetation must be reestablished as soon as practicable after filing the notice of intent to comply. A buffer strip of not less than seventy-five (75) feet shall be maintained between the location of any extraction of materials and all property lines. This buffer strip may be reduced to fifty (50) feet with written consent from the abutting property owners and with the issuance of a permit from the Planning Board.

3. A 300 foot separation shall be maintained between any area to store petroleum products and any private drinking water wells.

4. A 200 foot separation shall be maintained between any excavation and any private drinking water supply in existence prior to that excavation.

5. A 1000 foot separation shall be maintained between any excavation and any public drinking water supply.

6. All petroleum products shall be kept out of the pit and no refueling or oil changes shall be conducted in the pit.

7. There shall be no storage or dumping on the pit of any substances or materials that could produce harmful leachate.

8. No oiling of access and haul roads is permitted.

9. Excavation shall not occur within five (5) feet of the seasonally high water table. A benchmark sufficient to verify the location of the seasonal high water table shall be established.

10. No ditches, trenches, pumping, or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.

11. Access to the pit shall be strictly controlled.

12. Entrances and exits from the pit area shall be located, posted, and constructed in accordance with the standards contained in Section 7.9, within this Ordinance.

13. No part of any extraction operation, including drainage and run-off control features, shall be permitted within one hundred (100) feet of the normal high water line of a Great Pond, and within seventy-five (75) feet of the normal high water line of any other water body, tributary stream, or the upland edge of a wetland and screened by existing vegetation.

14. Excavation activities may not occur below road level within 150 feet of a road right-of-way, except that excavation activities may occur below road level within 150 feet of a private road right-of-way, with the written permission of the owner.

15. Surface water discharges from areas not required to be naturally internally drained, may not increase as a result of a storm water run-off from storms up to a level of intensity of a 25-year, 24-hour storm. Structures such as detention ponds, retention ponds, and undersized culverts, may not be used to meet this standard. Sediment may not leave the parcel or enter a protected natural resource. Grubbed areas, not internally drained, shall be stabilized. Erosion and sedimentation control for access roads shall be conducted according to best management practices for the control of erosion and sediment. Grading, or other construction activity on the site, may not alter natural drainageways such that the drainage, other than that which occurred before development, adversely affects adjacent parcels of land, or that drainageways flowing from adjacent parcels of land to the parcel are impeded.

16. There may not be more than two (2) acres of stockpiles within the working pit at any time.

17. Noise levels shall not exceed applicable noise limits as adopted by the MDEP.

18. The hours of operation at the site shall conform to the time between sunrise and sunset as determined at Caribou, Maine.

19. Dust generated by activities at the pit, including dust associated with traffic to and from the pit, shall be controlled by sweeping, paving, watering, or other best management practices for control of fugitive emissions

20. In keeping with the purposes of this Ordinance, the Planning Board may impose other conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

E. Reclamation. Within twelve (12) months of the completion of extraction operations, or the expiration of a Planning Board permit, or which operations shall be deemed complete when less than one thousand (1000) cubic yards of materials are removed in any consecutive twelve (12) month period, the site shall be reclaimed in accordance with a plan approved by the Planning Board. The affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Such plan shall include:

1. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site in a manner approved by the Planning Board and in conformance with all applicable State of Maine regulations. Only materials generated on-site may be buried or covered on-site.

2. A vegetative cover by seeding shall be established within one year of the completion of excavation. Vegetative cover shall be declared acceptable after one year if: (1) the planting of trees and shrubs results in a permanent stand or stand capable of regeneration and succession, sufficient to ensure a 75 percent survival rate; and (2) the planting of all materials results in permanent 90 percent ground coverage.

3. All structures and facilities shall be removed. Once no longer in productive use, all access roads, haul roads, and other support roads shall be reclaimed.

4. The final graded slope shall be three to one (3:1) slope or flatter.

5. Stockpiles of top soil or loam shall be retained to cover all disturbed land areas. These stockpiles shall be seeded, mulched, or otherwise temporarily stabilized. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

6. Reclamation of the pit shall not be made with any substance or material that could either have a harmful leachate or create an impermeable base.

7. All affected lands shall be reclaimed within one (1) year.

6.18 Mobile Home Parks.

Mobile home parks shall comply with the standards of the Maine Manufactured Housing Board. Any mobile home park application shall meet all the requirements for a residential subdivision, unless otherwise provided for within this Section, and all applicable federal, state and local statutes, ordinances, regulations, codes, and plans.

1. Dimensional Requirements.

Not withstanding the dimensional requirements of the Fort Fairfield Zoning Ordinance and the Fort Fairfield Shoreland Zoning Ordinance, lots, buildings, and accessory structures within a mobile home park shall meet the following dimensional requirements:

A. Lots served by public sewer:

Min. lot area:	5000 SF
Min. lot width:	50 feet
Front setback:	No less than 20'
Side setback:	15'
Rear setback:	10'

B. Lots served by individual or centralized subsurface wastewater disposal systems:

Min. lot size:	20,000 SF
Min. lot width:	100'
Front setback:	No less than 20'
Side setback:	20'
Rear setback:	15'

The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 SF of the total park area.

C. Lots located within any shoreland zoning district shall meet the lot area, lot width, and shore frontage requirements for the district.

D. All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50 percent of the lot area.

E. If a lot is on a public road, the setback shall conform with the residential setback requirements applicable to residential dwelling units for that district.

F. Carports of non-combustible materials are not subject to side setback requirements.

G. The Planning Board may allow lot side yard setbacks to be reduced to 5', provided a distance of 20' is maintained between units for the purpose of providing more usable yard space on one side of the home.

H. A minimum distance of 20' separation shall be maintained between all manufactured homes in all directions.

2. Buffering.

If a park is proposed with a residential density at least twice the density of adjacent development in existence, a continuous landscaped area not less than fifty (50') feet in width which shall contain no structures or streets. The first twenty-five (25') feet of the buffer strip, as measured from the exterior boundaries of the park shall contain evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering or exiting the park.

3. Open Space Reservation.

A. Open Space Requirements for Lots Not Served by Public Sewer.

An area no less than 10 percent of the total area of those lots with a lot area of 20,000 SF shall be reserved as open space on lots not served by public sewer. The area reserved as open space shall be suitable to be used as recreational purposes or use by the residents of the park for storage. Generally, the reserved open space shall have slopes less than five (5) percent, shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park. The Planning Board may waive the requirement for open space when the park is located within one-half mile of a publicly owned recreation area.

B. Open Space Requirements for Lots Served by Public Sewer.

1. At least 50 percent of the required open space shall consist of land that is suitable for active recreation.

2. All developed open space shall be designed and landscaped for the use and enjoyment of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted by the developer to the Planning Board.

3. To the maximum extent possible, undeveloped open space shall be left in its natural state. Improvements to make trails for walking and jogging or to make picnic areas are permitted.

4. The developer shall submit, as part of their application, a copy of that portion of the proposed mobile home park rules and a plan which specifies how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation, and storage.

5. Open space shall be maintained and used for its stated purpose.

4. Road Design, Circulation, and Traffic Impacts.

a. Streets within a park shall be designed by a Maine Registered Professional Engineer.

b. The layout and general development plan for streets and driveways within the mobile home park, together with the location and dimensions of access junctions with existing public roads and rights-of-way shall be approved by the Planning Board.

c. Streets, which the applicant proposes to be dedicated as public rights-of-way, shall be designed and constructed in accordance with the standards contained within the Fort Fairfield Subdivision Ordinance.

d. Streets which the applicant proposes to remain private rights-of-way shall meet the following minimum geometric design standards:

1. Minimum right-of-way width: 23'
2. Minimum width of traveled way: 20'

e. One-way streets shall have a minimum right-of-way of 18' and a minimum paved surface of 14'. On-street parking shall be prohibited.

f. No individual lot within a park with double frontage on a public and a private street shall have direct vehicle access onto the public street.

g. On-street parking shall be prohibited unless an 8' parking lane is provided, in which case on-street parking may be permitted only on the side of the road where the parking lane is located.

h. Curvilinear streets shall be utilized wherever possible. No street within the mobile home park shall be more than 200' without a curve or a bend.

i. Cul-de-sac turnarounds shall have a minimum radii of 50' at the outer edge of the pavement, exclusive of any parking areas.

j. The intersection of any street within a park and an existing public street shall meet the following standards:

1. The angle of intersection shall be ninety (90) degrees. The minimum angle of intersection shall be seventy-five (75) degrees.
2. The maximum permissible grade within seventy-five (75') feet of an intersection shall be two (2) percent.
3. A minimum sight distance of ten (10') feet for every mile per hour of posted speed limit on the existing public road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is ten (10') feet behind the curb or edge of shoulder line, with the height of the eye 3 1/2' above the pavement and the height of the object 4 1/4'.
4. The centerline of any street within a park intersecting an existing public street shall be no less than 125' from the centerline of any other street intersecting that public street.

k. For a mobile home park application on lots of ten (10) or more acres, the application shall contain an estimate of the average daily traffic (ADT) projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, latest edition, published by the Institute of Traffic Engineers. If the park is projected to generate more than 500 vehicle trips per day, the application shall also include a traffic impact analysis, by a Maine Registered Professional Engineer with experience in transportation engineering.

l. Any mobile home park expected to generate average daily traffic (ADT) of 200 trips or more per day shall have at least two (2) street connections with existing public streets. Any street within a park with an ADT of 200 trips or more per day, shall have at least two (2) street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.

5. Parking Requirements.

a. For each mobile home park lot there shall be provided two (2) off-street parking spaces. Each parking space shall contain a minimum area of 171 SF with minimum dimensions 9' by 19'. This requirement may be waived if an equivalent number of parking spaces is provided by the parking lane.

b. In addition to occupant parking, off-street guest and service parking shall be provided for within the boundaries of the mobile home park at a ratio of 1 space for each four (4) mobile home park lots. Such parking shall be hard-surfaced and the spaces shall be reserved for that sole use. This requirement shall be waived if a parking lane is provided with an equivalent number of spaces.

6. Utility Requirements.

All mobile home parks shall provide permanent electrical, water, and sewage disposal connections to each mobile home lot in accordance with applicable state and local rules and regulations.

7. Sidewalks/Walkways.

The mobile home park shall contain pedestrian walkways that link all units. Such walkways shall be adequately surfaced and maintained. A portion of the road surface may be reserved for walkways provided the roadway width is increased accordingly. Walkways shall be a minimum width of three (3') feet.

8. Lighting.

Outdoor lighting shall be provided to adequately illuminate streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

9. Signs.

Signs and advertising devices shall be prohibited in a mobile home park, except:

a. One (1) identifying sign at each entrance of the mobile home park no larger than 32 SF which may be indirectly lit, but not flashing.

b. Directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc.

c. Mobile/manufactured homes address signs. The styles and location of the identifying sign shall not interfere with vehicle sight distance and shall be constructed in accordance with the standards for signs contained within this Ordinance.

10. Storage.

At least 100 SF of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home park lot for the storage of materials and equipment.

11. Storm Drainage.

A storm drainage plan shall be prepared by a Maine Registered Professional Engineer showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.

12. Ground Water.

a. Accompanying the application for approval of any mobile home park which is not served by public sewer, shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydrogeologic assessment shall be prepared by a Maine Certified Geologist or a Maine Registered Professional Engineer, experienced in hydrogeology, and shall contain at least the following information:

1. A map indicating the basic soil types (medium intensity).

2. The depth to the water table at representative points throughout the mobile home park.

3. Drainage conditions throughout the mobile home park.

4. Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.

5. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen

concentrations at any wells within the mobile home park, at the mobile home park boundaries, and at a distance of 1000' from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations, shall also be provided.

6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200' of the mobile home park boundaries.

b. Projections for ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

1. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.

2. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

3. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150 percent of the ambient concentration.

c. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the plan.

13. Park Administration.

a. The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to State laws. Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable federal, state and local statutes, ordinances, regulations, codes, and plans.

b. No development or subdivision which is approved as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback, and other requirements. The plan to be recorded at the Registry of Deeds and filed with the Town shall include the following restrictions as well as any other notes or conditions of approval:

1. The land within the park shall remain in unified ownership and the fee to lots or portions of the lots shall not be transferred.

2. No dwelling unit other than a manufactured housing unit shall be located within the park.

6.19 Multi-Family Dwellings.

A. In districts where permitted, multi-family development may be allowed by the granting of subdivision approval by the Planning Board in accordance with the Town Subdivision Ordinance, the following and other provisions of this Ordinance.

B. Dimensional requirements for all multi-family development shall meet or exceed the following:

1. Within the area regulated by Title 38 MRSA Section 435 et seq., (Mandatory Shoreland Zoning Act) lot area and shore frontage shall be equal to that required for the equivalent number of single-family dwelling units.

2. In the RF District, the lot size shall equal or exceed 43,560 SF for the first dwelling unit and 20,000 SF per dwelling unit thereafter.

3. In the C District, lot size shall equal or exceed 6000 SF each dwelling unit.

4. In the HO District, the lot size shall equal or exceed 43,560 SF for the first dwelling unit and 20,000 SF per dwelling unit thereafter.

5. Street frontage for eight (8) units or less shall be not less than the required frontage for a single-family dwelling. Street frontage for more than eight (8) units shall be not less than twice what is required for a single-family dwelling in that District.

C. The applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and fire fighting purposes. The Planning Board may require the construction of fire ponds and dry hydrants as it deems necessary.

D. It shall be the responsibility of the owner to provide for storage areas for rubbish disposal and/or recyclables pick-up, snow removal, and site maintenance. All outdoor storage areas for waste or recyclable collection shall be enclosed by a semi-permanent screen at least six (6) feet in height.

E. A 25 foot landscaped or natural vegetative buffer shall be provided and maintained along all property boundaries.

F. Storm water and surface drainage systems shall be designed in accordance with the Town Subdivision Ordinance.

G. Access, Circulation, and Parking

1. The proposed development shall provide for safe access to and from public or private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight-distances, intersections, schools, and other traffic-generators. All corner lots shall be kept clear from visual obstructions.

2. The proposed development shall not have an unreasonable adverse impact on the public road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate off-street parking and turn-around areas.

H. Recreation and Open Space. All multi-family developments of six (6) dwelling units or more shall provide a play area no smaller than 5,000 SF. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.

6.20 Recreational and Amusement Facility.

All recreation and amusement facilities shall meet the provisions below:

A. There shall be provided adequate off-street parking for the anticipated maximum attendance.
B. Containers and facilities for rubbish collection and removal shall be provided and maintained.
C. Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke, and visual impact.
D. The proposed use shall not create a traffic hazard. The Fort Fairfield Police Department shall review the location and site design and provide its comments to the Planning Board.
E. All other relevant Performance and Technical standards of this Ordinance shall also be observed.

6.21 Renting Rooms and Apartments.

A. The renting of rooms and apartments is an accessory use in a single family dwelling, the renting of rooms or a single apartment in a dwelling shall be permitted provided the following conditions are all satisfied:

1. There shall be no new external construction to increase the size of the structure to accommodate the accessory use.
2. The water and sewage facilities meet all existing laws and codes.
3. The building is owner-occupied.

B. One non-illuminated sign, no larger than two (2) SF in area may be erected on the premises, only during times when a vacancy exists.

6.22 Restaurants.

A. The application for a permit shall state the maximum seating capacity of the restaurant. Any expansion or enlargement over the stated capacity shall require a new permit.

B. Any restaurant located within 500 feet of an existing public sewer line shall connect with the sewer system at the expense of the owners. When subsurface wastewater disposal is proposed, completed soil evaluation forms (HHE-200) shall be submitted. All proposed subsurface disposal systems shall meet the State of Maine Subsurface Wastewater Disposal Rules.

C. All parking and loading facilities shall be located to the side or rear of the building, and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than eight (8) feet in width, containing evergreen shrubs, trees, fences, walls, berms, or any combination, forming a visual barrier not less than six (6) feet in height.

D. Restroom facilities for the patrons shall be provided on the premises.

E. No building shall be closer than fifty (50) feet from a property line.

F. All other relevant Performance and Technical standards of this Ordinance shall also be observed.

6.23 Sanitary Provisions.

When not serviced by the public sewerage system, the approval of building permit applications shall be subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for wastewater disposal.

6.24 Satellite Receiving Dish.

No satellite receiving dish larger than four (4) feet in diameter may be located closer than fifty (50) feet from the edge of the legal right-of-way.

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

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

A. A green strip, suitably landscaped, at least twenty (20) feet wide shall be provided along all property lines, except where driveways enter and exit.

B. No building shall be closer than fifty (50) feet from a property line.

C. When adjacent to residences within 200 feet, parking areas and outdoor activity areas shall be effectively screened from view by a continuous vegetative barrier or stockade fence not less than six (6) feet in height.

D. All other relevant Performance and Technical standards of this Ordinance shall also be observed.

6.26 Signs.

Any and all sign regulations and sign ordinances in effect as of the effective date of this Ordinance for the Town of Fort Fairfield are hereby repealed. Nothing within this Ordinance shall prohibit the use of signs exempted under MRSA 23, Section 1913-A.

A. Purposes. The purposes of these standards are:

1. to encourage the effective use of signs as a means of communication;
2. to maintain and enhance the aesthetic environment;
3. to create and maintain an attractive business climate;
4. to improve and maintain pedestrian and traffic safety;
5. to minimize the possible adverse effect of signs on nearby public and private property; and
6. to implement the intent of the Fort Fairfield Comprehensive Plan.

B. Sign Permit. Except as provided in Section C, below, no sign may be erected, enlarged, illuminated, or substantially altered without a sign permit issued by the Code Enforcement Officer after they find that the sign complies with the provisions of this Section.

C. Permitted Signs. The following types of signs are permitted, except where otherwise prohibited by law, and shall require a sign permit issued by the Code Enforcement Officer.

1. All permanent on-premise signs erected prior to the effective date of this Ordinance, (ordinary maintenance and upkeep shall be allowed).

2. Any sign approved by the Planning Board, as an element of Site Design Review, prior to the effective date of this Ordinance or as proposed in a pending application.

3. One sign not exceeding two (2) SF used to display the street number and/or name of the occupants of the premises.

4. One non-illuminated non-internally lit sign not exceeding six (6) SF used to describe a home occupation.

5. One sign not exceeding thirty-two (32) SF on the premises of public or semi-public buildings, and charitable or religious institutions. These signs may incorporate a bulletin board.

6. Temporary signs displayed for thirty (30) days or less to advertise school, non-profit, civic, church, and like events and garage sales, auctions, and like events.

7. One real estate sign not exceeding sixteen (16) SF relating to the sale, rental, or lease of the premises. Such sign shall be removed within one (1) week after the property transaction.

8. One sign each for a building contractor, architect, or engineer. Each sign shall not exceed sixteen (16) SF, relating to construction projects. Such sign shall be removed within one (1) week after construction is completed.

9. Sign(s) not exceeding thirty-two (32) SF in total describing farm products for sale on the premise.

10. Signs erected by growers of fresh fruit and vegetable crops advertising those fresh fruits and vegetable crops when crops are offered for sale on premises where those crops are grown from June 15th to November 1st of each year. Signs may advertise only those fruits and vegetables that are available for immediate purchase. A grower may not erect more than four (4) signs. A sign may not exceed eight (8) SF in size and must be located within five (5) miles of the farm stand. The signs must be erected on private property with the landowner's written consent, except that the signs may be erected within, but, at the edge of the right-of-ways of highways that receive no federal aid.

11. A subdivision may have one non-internally lit design at each public entrance to the development, not to exceed thirty-two (32) SF per sign.

12. Any sign(s) placed by the state or federal governments or the Town that comply with the MDOT standards.

13. Outdoor signs identifying restrooms, parking, entrances, exits, and similar information.

14. Four (4) or less flags or insignia per commercial lot or business. Flags or insignia in excess of four (4) per commercial lot or use shall comply with the provisions of this Section.

15. Memorial signs or tablets, names of buildings, and date of construction, or historic markers when cut into masonry, bronze, or other permanent material affixed to the structure or placed on the property.

16. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) SF in area.

17. Signs not exceeding eight (8) SF per sign which identify entrances and exists to parking and service areas.

18. Signs approved as off-premise signs by the MDOT governed by MRSA 23, Section 1901 et seq.

D. Prohibited Signs. The following signs are prohibited in all areas of the Town:

1. Signs, other than barber poles, time, and weather devices, that have visible moving parts or blinking, moving or glaring illuminations, except for message boards or similar devices when displayed from an internal location.

2. No permanent sign except traffic and similar public safety signs, official business directional signs shall be located in the public right-of-way of any street or highway except as may be provided for herein.

3. No sign shall be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

4. Signs painted on or attached to stationary-vehicles except for signs relating to the sale of the vehicle. For the purpose of this Section, a stationary vehicle means any vehicle not registered and inspected as required by Maine law.

5. Inflatable signs, tethered balloons, and pennants except associated with special events or sales for a duration not to exceed seven (7) days in any calendar year.

6. Signs relating to any businesses which has been out of business for more than 365 days. The owner of the property or his agent shall be responsible for removing such signs.

7. Temporary movable signs are not permitted except for the following uses with the issuance by the Code Enforcement Officer of a no fee temporary sign permit:

   a. To call attention to and/or to advertise the name of a new business and the products sold or activities to be carried on in connection with a new business. In such cases, no sign shall remain at a premises for more than ninety (90) days in any calendar year.

   b. To advertise a special sale or sales. In such cases, a sign shall be allowed for a period not to exceed ninety (90) days in any calendar year.

   c. To promote community or civic activities. In such cases, no sign shall remain in place for more than ninety (90) days in any calendar year.

E. Non-conforming Signs. Non-conforming signs that were otherwise lawful on the effective date of this Ordinance may continue except as provided below:

1. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition.

2. No illumination may be added to any nonconforming sign except if such illumination complies with the provisions of this Section.

3. A nonconforming sign may not be moved except for maintenance, change in message or repair, or replaced except to being the sign into conformity with this Section.

4. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.

F. General Provisions.

1. Signs must be kept clean, legible, and free from all hazards such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, detract from the physical appearance and the natural beauty of the community, or constitute a distraction or obstruction that may impair traffic safety.

2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials, and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

3. All signs shall meet the following setback standards:

   a. A minimum of five (5) feet from the outer edge of the right-of-way of any public or private street.
   b. All signs shall be setback a minimum of five (5) feet from side and rear lot lines.

4. Area and height of signs shall be computed as follows:

   a. Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is place, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets ordinance regulations and is clearly incidental to the display itself.

   b. Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible form any one point. When two identical sign faces are placed back to back, so that both are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

   c. Computation of height. The height of a sign shall be computed as the distance form the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be constructed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

G. Specific Standards.

1. **Commercial and Highway Oriented District**. The following standards apply to signs in the Commercial and Highway Oriented District:

   a. In the case of single tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises, under the terms of this Section.

b. On each premise, there shall be allowed one wall or roof sign affixed to the exterior of the structure or for each occupancy under common ownership operation or control therein. Such signs shall not occupy more than thirty (30) percent of the wall to which is attached or is above. For the purpose of this Section, wall is defined as the facade of the building up to the roof line excluding windows, doors, and architectural features.

c. Window and door signs are allowed without regard to the percentage of the window or door in which they are displayed.

d. Projecting Signs. One projecting sign is permitted per structure. Such sign shall extend no lower than ten (10) feet above ground level, project from the wall at an angle of ninety (90) degrees and be no nearer than fifteen (15) feet from any property line. No projecting sign shall exceed thirty-two (32) SF.

e. Free Standing Signs.

1. One free standing sign per lot is permitted, except for each additional 200 feet of street frontage per lot above the minimum frontage requirement for that district, an additional free standing sign is permitted provided:

a. No free standing sign shall exceed eighty (80) SF in area, the top edge shall not be higher than twenty (20) feet vertical measure above average ground level from the base.

b. For lots with 200 feet of frontage or less, or lots that meet the criteria in Section a. above, no free standing sign shall exceed eighty (80) SF in surface area.

2. For lots with linear street frontage of more than 200 feet, the size of a single free standing sign may be increased by 0.4 SF in surface area for every linear foot of street frontage above 200 feet.

3. Lots fronting on two or more public streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on a single street in excess of that allowed for lots with only one street frontage.

4. Multi-tenant or unit commercial development which lacks street frontage and is served by a right-of-way may have one free standing sign not to exceed 160 SF.

f. Signs shall be illuminated only by the following means:

1. A steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises;

2. Interior, non-exposed, white lights of reasonable intensity; and

3. Neon tube illumination may be only used for window signs that do not exceed twenty-five (25) percent of the window area in which they are located.

g. Awning and canopy signs are permitted. Canopies over fuel islands shall only advertise fuel and fuel products.

2. Residential District. The following standards apply to signs in the Residential District:

a. In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premise to allocate sign space upon the premises, under the terms of this Section.

b. All signs shall be mounted flat on the wall or free standing.

c. Signs shall be illuminated only by a steady stationary light(s) of single color shielded and directed solely at the sign not casting light off the premises.

d. The permitted total signage shall not exceed twenty-four (24) SF.

3. **Rural Farm District.** The following standards apply to signs in the Rural Farm District:

a. In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premise to allocate sign space upon the premises, under the terms of this Section.

b. All signs shall be mounted flat on the wall or be free standing.

c. Signs shall be illuminated only a steady stationary light(s) of single color shielded and directed solely at the sign not casting light of the premises.

d. The permitted total signage shall not exceed thirty-two (32) SF.

4. **Shoreland Zoning Districts.** The following standards apply to signs in the Shoreland Zoning Districts:

a. In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises, under the terms of this Section.

b. All signs shall be mounted flat on the wall or be free standing.

c. Signs shall be illuminated only be a steady stationary light(s) of single color shielded and directed solely at the sign not casting light off the premises.

d. Signs shall not exceed two (2) per lot and not be larger than six (6) SF in area.

6.27 Soils.

No land uses shall be permitted in any area where the soil is rated severe or very severe for the proposed activity, according to the Aroostook County Soil Survey of the USDA Soil Conservation Service, unless satisfactory evidence is presented to the Code Enforcement Officer or Planning Board, within the application for a permit, that construction methods shall overcome any pertinent soil inadequacies.

6.28 Soil Erosion Control.

Erosion of soil and sedimentation of water sources and water bodies shall be minimized by the following erosion control management practices:

A. The striping of vegetation, removal of soil, regrading, or other development of the site shall be accomplished by limiting the duration of exposure and area of the site to be disturbed. Dust control methods shall be employed during dry conditions.

B. Temporary vegetation, mulching, and/or siltation fabrics shall be used to protect critical areas during the development, or other methods determined acceptable by the Planning Board.

C. Permanent vegetation and/or other erosion control measures should be installed prior to completion of the construction, but no later than six (6) months after completion of the construction.

D. The top or bottom of a cut or fill shall not be closer than ten (10) feet to a property line, but in no instance shall said cut or fill exceed a 3:1 slope.

.29 Storm Water Management.

A. All new construction and development, whether or not served by a storm water collection and transportation system, shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity, and location of runoff.

B. If runoff after development would exceed predevelopment runoff conditions, the off-site impact must be evaluated in terms of potential soil erosion and sedimentation, drainage capacity, and land use/land cover characteristics.

C. Storm water management evaluations and designs shall be based on a 24-hour, 25 year recurrence interval storm.

D. All development plans shall define maintenance requirements and identify parties responsible for maintenance of the storm water control system.

E. When the Planning Board has determined that methods of reducing storm water impact are necessary or desirable, storm water runoff control plans shall be developed that include:

1. Control methods effective both during and after construction;

2. Control methods compatible with upstream and downstream characteristics;

3. Documentation by the designer that increasing the volume and rate of runoff from the proposed development shall not aggravate conditions downstream or upstream;

4. Provision for on-site storage and gradual discharge of excessive flows, or contribution toward increasing downstream capacity (e.g. by enlarging existing culverts), when the channel downstream is not able to accommodate the increased volume or rate of runoff created by the proposed development;

5. Consideration of the following factors:

   a. impact: on-site, downstream, upstream, and basin-wide;
   b. costs: initial, amortized, operation, and maintenance;
   c. intensity of rainfall;
   d. timing of rainfall: (e.g., falling of snow or during the spring snow melt);
   e. amount of precipitation in the basin during the five (5) days preceding the storm in question;
   f. hydrologic soil groups throughout the basin (i.e., the soil's rate of water infiltration and transmission);
   g. hydrologic conditions throughout the basin (soil's moisture content, humus/organic content, temperature, and whether or not it is frozen);
   h. vegetative cover throughout the basin (vegetation helps soil dry out after a rainfall, intercepts some precipitation during the rainfall and slows down the flow of water over the land);
   i. area of land covered by impervious surfaces throughout the basin (roads, sidewalks, roofs, driveways, patios, etc.)
   j. topography throughout the basin (slopes affect the rate of runoff; wetlands reduce peak discharge rate by slowing down the rate of runoff);
   k. size and shape of watershed (peak discharge rates are slower in long, narrow watersheds).

C. Storm water runoff systems shall be designed to facilitate aquifer recharge in order to compensate for ground water withdrawals or reductions in infiltration. Conversely, designs shall avoid recharge where ground water effects might be harmful. Design of permanent storage facilities shall consider safety, appearance, recreational use, and cost and effectiveness of maintenance operations, in addition to the primary storage function. Natural overland flows, and open drainage channel and swale locations shall be the preferred alignments for major components of a residential drainage system. The use of enclosed components (such as underground piping) should be minimized where the existing natural systems are able to accommodate storm runoff. Energy dissipaters (to reduce high flow velocities) and other forms of outfall protection shall be employed where enclosed drains discharge onto erodible soils.

6.30 Temporary Dwellings.

A. Purpose. To provide for the temporary habitation of one dwelling during the construction or renovation of a second dwelling on lots, except within the Shoreland and Resource Protection Districts.

B. General Requirements. The Code Enforcement Officer may issue a Temporary Dwelling Permit for the purpose of the owner residing in one dwelling while a new dwelling is constructed or an existing dwelling is renovated, only if all of the following are met:

1. The temporary structure to be resided in during the construction or renovation of the second (primary) structure shall be connected to an approved subsurface sewage disposal system.

2. All zoning setbacks and lot coverage requirements of this Ordinance shall be met.

3. The owner must reside in one of the structures during construction or renovations.

4. The structure which is not to be the principle residence shall be resided in for not more than eighteen (18) months from the date of the issuance of the permit for the construction of the primary residence.

5. Within eighteen (18) months from the date of the issuance of a permit in the case of a mobile home it shall be removed from the lot and other structures shall be converted to an accessory structure or removed.

6. Prior to the issuance of a building permit for the construction and renovation on a lot where a temporary residential structure will be located, the owner shall sign a binding agreement with the Town of Fort Fairfield that the provisions of this subsection shall be complied with.

6.31 Water Quality.

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that run-off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, impair designated uses or the water quality classification of the water body, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life. All above ground storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a 25-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for "home heating oil" and diesel fuel, not exceeding 275 gallons in size, may be exempted from this requirement, in situations where neither a high seasonal water table (within 15" of the surface) nor rapidly permeable sandy soils are involved.

6.32 Water Supply.

Prior to the issuance of any occupancy permit for any structure with a potable water supply system, a water quality analysis demonstrating that the State of Maine Safe Drinking Water Guidelines are met shall be submitted to the Code Enforcement Officer.

Section 7 Site Design Review.

7.1 Purposes for Site Design Review.

The purposes of this Section are:

A. To provide for the Town review of projects that could impact on the environment and the community;

B. To promote and protect the health, welfare, and safety of the residents of Fort Fairfield;

C. To provide local protection from those particular nuisances which are not governed by State law or regulation;

D. To balance the rights of landowners to use their land with the corresponding right of abutting or neighboring landowners to live without undue disturbance from nuisances such as noise, smoke, dust, odor, glare, traffic, stormwater runoff, or the pollution of ground or surface waters;

E. To reduce the off-site problems associated with development, thereby decreasing the cost of maintaining or improving Town services;

F. To conserve's the Town's natural beauty and visual character by ensuring that structures, signs, and other improvements and uses of land are sited and developed with due regard to the aesthetic qualities of the natural terrain and that proper attention is given to exterior appearances of structures, signs, other improvements, and uses of land; and

G. To implement the policies and strategies of the comprehensive plan.

7.2 Applicability of Site Design Review.

A. Site Design Review by the Planning Board, in conformity with the criteria and standards of this Section, shall be required for the following:

1. Uses in each District which require Site Design Review as identified in Section 4, District Regulations, of this Ordinance.

2. A change in use when the new use is subject to Site Design Review as identified in Section 4, District Regulations, of this Ordinance.

3. The change in on-site vehicle access of any existing non-residential parking lot or driveway.

Not withstanding the above:

1. Single-family and two-family (duplex) residential dwelling development, including their basement excavations, are exempt from the requirements of this Ordinance.

2. In addition, the following activities are exempt: repairs, replacement, and/or normal maintenance not requiring structural elements, decorative changes in existing structures or buildings, provided that the activity is in conformance with federal, state and local statutes, ordinances, regulations, codes, and plans and does not involve any other physical modifications or changes requiring a permit under this Ordinance.

7.3 Site Design Approval.

A. All development projects defined shall require the approval of the Planning Board.

B. A public hearing may be scheduled for any application, if the proposed development poses the potential for significant impacts to Town facilities or natural resources. Said hearing shall be conducted prior to final action by the Planning Board on the application.

C. All site design approvals shall expire within one (1) year of the date of final Planning Board approval, unless work thereunder is commenced and 50 percent of the approved plan is completed and an extension is approved by the Planning Board for an additional year.

D. In the event that a site design is recorded with the Registry of Deeds without approval of the Planning Board, the design shall be considered null and void, and the Planning Board may institute proceedings to have the design stricken from the records of the Registry of Deeds. Any site design not recorded in the Registry of Deeds within ninety (90) days of the date of final approval of the Planning Board shall become null and void.

E. The approval by the Planning Board of a site design shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the design shall not constitute an acceptance by the Town of such areas. The Planning Board shall require the design to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

F. Site design approval is not required for the normal and customary practices and structures associated with agriculture as defined in this Ordinance; and sand and gravel pits approved or established prior to March 10, 1990.

7.4 Site Design Notification.

A. The Town Clerk shall notify all abutting property owners and such other property owners as the Planning Board may deem necessary. It shall be the responsibility of the applicant to supply the names and mailing addresses of the abutting or other identified property owners. Failure to provide full documentation could delay the application. The notice shall include a description of the applicant's proposal and the time and place of the Planning Board meeting or the public comment time period required.

B. The Town Clerk shall notify the property owners of the site design review request at least fourteen (14) days before the first workshop meeting and/or first public hearing. If a public hearing is necessary, where the application will be discussed. The Planning Board shall make a decision on the application within thirty (30) days after the date the Planning Board has determined that the application is complete.

C. The agenda of Planning Board meetings shall be published in a local newspaper at least seven (7) days before the date of the meeting and displayed in three (3) places of general public access. The agenda notice shall include a brief description of the application and the Ordinance(s) by which the proposal is to be reviewed.

7.5 Site Design Fees and Guarantees.

A. An application for site design approval shall be accompanied by a fee of twenty-five (25) dollars. This application fee shall be made payable to the "Town of Fort Fairfield" and shall not be refundable.

C. The Planning Board may require that an expert consultant(s) review one or more submissions of an application and report as to compliance or non-compliance with this Ordinance, and advise if necessary, of procedures which will result in compliance. The consultant shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in an escrow account. The Town shall pay the consultant from the escrow account. If the balance in the escrow account is drawn down by 75 percent, the Board shall notify the applicant and require an additional amount. Any balance in the account remaining after a final decision on the application has been rendered shall be returned to the applicant. The consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the Town and the applicant.

D. At the time of approval of the application for site design review, the Planning Board may require the applicant to tender either a certified check payable to the "Town of Fort Fairfield", an irrevocable letter of credit from a lending institution, or a performance bond payable to the "Town of Fort Fairfield" issued by a surety company in an amount adequate to cover the total costs of all required improvements, taking into account the time-span of the bond and the effects of inflation upon costs. The conditions and amount of the guarantee shall be reasonably

necessary to ensure the completion of all improvements required as condition of approval of the application, in such form as approved by the Planning Board and the Town. The Town shall have access to the site to review the progress of the work and shall have the authority to review all records and documents related to the project.

F. The Planning Board may require the developer to provide a one year defect bond upon completion of all public improvements. The amount of the defect bond shall be ten percent (10%) of the amount of those public improvements approved as part of the site design. The bond shall be placed in an account in the Town's name. The bond, including accrued interest remaining in the account and which has not been spent or appropriated, shall be returned to the applicant within three-hundred and sixty-five (365) days from date of final Planning Board approval.

E. Irrespective of any other provision of this Ordinance, the Planning Board shall not consider an application complete if the applicant fails to pay any of the fees, bonds, or guarantees, or appeals any fee, bond, or guarantee determination. If the applicant appeals the payment of any fees, bonds, or guarantees to the Board of Appeals, the Board shall decide whether the fee, bond, or guarantee is reasonable for the purpose found necessary by the Planning Board. The fee, bond, or guarantee shall be placed into an appropriate account in the Town's name. The money, including any accrued interest, remaining in the account and which has not been spent or appropriated, shall be returned to the applicant within thirty (30) days after the Planning Board issues its final decision on the proposal.

7.6 Site Design Application and Review Process.

A. A person informed by the Code Enforcement Officer or Planning Board that they require Site Design Review approval shall file a Site Design Review application with the Code Enforcement officer on forms provided for the purpose. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the design criteria and standards, herein.

B. All applications shall be made by the owner of the property or their agent, as designated in writing by the owner. A site design application must be diligently pursued from the date of submission.

C. The Code Enforcement Officer shall make an initial determination of the completeness of the application, which shall be subject to the final determination of the Planning Board. Any application which the Code Enforcement Officer initially determined to be incomplete shall not be passed on to the Planning Board, but shall be returned to the applicant by the Code Enforcement Officer with a written notice of the additional information required. The written notice shall set forth those items which need to be submitted and that the applicant will have one hundred and twenty (120) days to complete the application. If the applicant fails to submit any item specified within the one hundred twenty (120) days of the date of said notice from the Code Enforcement Officer, the application shall expire and shall be deemed null and void. Nothing in this Section shall prevent the Code Enforcement Officer from requiring additional information as otherwise permitted or required by the terms of this Ordinance. At such time that the additional information has been supplied, the Code Enforcement Officer shall pass the application on to the Planning Board for review and final determination of completeness.

D. Applications shall *not* be considered as having pending status and shall be subject to changes in federal, state, and local statutes, ordinances, regulations, codes, and plans until the time they have been determined to be complete final applications by the Planning Board.

E. The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.

F. The following application process shall be followed to facilitate site design review:

1. Site Design Review Application Process.

   a. Upon receipt of an application for site design review from the Code Enforcement Officer, the Planning Board shall make a determination as to the application's completeness and schedule the development for concept or final plan review at the next available Planning Board meeting. The Planning Board may advise the applicant whether concept plan review is appropriate prior to submission of a final plan;

however, the applicant shall determine whether to seek concept or final plan review prior to submitting an application for final plan review. Neither concept or final plan review shall occur unless there is evidence that the required public notice has been given and the required material required of this Ordinance is filed with the Planning Board in a timely manner. The application is distributed to the appropriate Town departments. Final determination as to the completeness of applications for concept plan and final plan review shall be made by the Planning Board.

b. Concept Plan Review.

Concept plan review is intended to provide the applicant with an opportunity to discuss the proposed development; obtain the Planning Board's comments prior to expending significant resources in furtherance of specific development plans; and gain an understanding of the review procedures, requirements, and standards. The Planning Board may identify issues that are to be addressed in the final plan application. No decision is made during concept plan review.

c. Final Plan Review.

Within 30 days after determining that an application is a complete, the Planning Board may conduct a public hearing on the proposed development, if the development poses the potential for significant impacts to Town facilities or natural resources, unless either the applicant or the Planning Board determines that additional workshops are necessary. The Planning Board shall issue a written decision approving, approving with conditions, denying, or tabling the final plan,. If the Planning Board tables the item, an additional public hearing must be held. If the Planning Board shall vote to approve the site design application, the Code Enforcement Officer shall issue a permit, provided that all other requirements of the Ordinance are met.

d. Statement of Findings.

All findings and decisions by the Planning Board denying or conditionally approving any site design shall be made in writing or reduced to writing within thirty (30) days of the decision and shall state the reason(s) therefore sufficient to appraise the applicant and any interested member of the public of the basis for the decision. The Planning Board's decisions regarding site designs are appealable by the applicant or an abutter to the Board of Appeals. Site design decisions of the Board of Appeals are appealed to the Superior Court.

e. Applications Requiring Other Public Agency Review.

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

2. The Planning Board may request copies of the application to be forwarded to other Town committee(s). The comments of the committee(s) are advisory to the Planning Board and shall pertain to the application's conformance with the review criteria of this Ordinance. The Planning Board may postpone final decisions regarding the application until such time as the comment from the Town committee(s) has been submitted.

7.7 Site Design Application Requirements.

A. Required Number of Copies.

Final application for Site Design Review shall consist of five (5) copies of the required information. The applications are to be submitted to the Code Enforcement Officer no later than fourteen (14) days prior to the meeting at which the item is to be heard.

B. Concept Site Design Plan.

1. The Planning Board may review applications as concept site design plans. These are applications that do not meet the final plan requirements. At a minimum, concept plan applications shall include the following information:

   a. Concept Site Design Requirements.

      1. Name and address of the owner of record and developer (if different);
      2. Name of the proposed development;
      3. Names and addresses of all property owners within 500 feet of the edge of the property line and others indicated by the Planning Board as being impacted;
      4. Names and addresses of all consultants working on the project;
      5. Graphic scale and north arrow;
      6. A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant;
      7. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions;
      8. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the plan;
      9. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time;
      10. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines;
      11. Location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around area dimensions;
      12. Location and names of streets and rights-of-way within and within 200' adjacent to the proposed development;
      13. Proposed finish grades and graphic arrows indicating the direction of storm water runoff;
      14. Conceptual treatment of on and off site storm water management facilities;
      15. Location and sizes of existing and proposed sewer and water services including connections;
      16. Conceptual treatment of landscaping buffers, screens, and plantings;
      17. Location of outdoor storage areas, fences, signs (front view and dimensions) , advertising features, and solid waste receptacles;
      18. Context map illustrating the area surrounding the site which will be affected by the proposal including all streets, sidewalks, intersections, storm water drainage ways, sanitary sewer lines and pump stations, nearby properties and buildings, zone districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan; and
      19. Plans for all proposed exterior lighting including the location, type of light, radius of light, manufacturer's specifications sheet, and the ground level intensity in footcandles.

   b. Project Description.

      The project description is to describe the proposal, its scheme of development, and proposed land uses. The project description shall also include estimates from qualified professionals as to the anticipated gallons per day of wastewater, the number of vehicles entering and leaving the site during the day (and at peak traffic hours), the increased amount of storm water runoff, and the rate of the storm water runoff of the post-development site.

C. Final Site Design Plan.

The final site design plan application shall include all information required in Section 7.7(B), above and in addition shall require the following information:

a. Boundary Survey. Prepared by a licensed Maine surveyor indicating the boundaries, permanent markers, encumbrances, and topography of the site.

b. Storm Water Management Plan. Prepared by a Maine licensed professional engineer analyzing the proposal's impact on existing storm water facilities and watersheds. The storm water management plan shall include a map of all watersheds significantly impacted by the proposal and identify all areas of existing or anticipated flooding, locations of existing and proposed culverts, pipes, detention ponds, and flow restrictions to be affected by the proposal. The storm water management plan shall comply with the review criteria found in this Ordinance.

c. Finish Grading Plan. Prepared by a Maine licensed professional engineer or landscape architect indicating the final grading of the site, the amount of fill to be imported to or exported from the site, and graphic arrows indicating the direction of storm water run off.

d. Site Improvement Details. Including sufficient information to enable the creation of an itemized cost estimate for all required on/or off site improvements.

e. Building Elevations. Scale plans of exterior building surfaces including materials, doorways, and advertising features.

f. Additional Information. Additional information as deemed necessary to review the proposal's conformance with the site design review criteria and technical standards. Additional information may address items such as, but not be limited to, traffic, wetlands, high intensity soils, environmental analyses, or the interpretation of the data by Town consultants. Additional information shall be financed pursuant to the consulting fees of this Ordinance.

g. General topography of the site.

h. High intensity soils classifications of the soils located on the site.

i. A copy of any variances granted or deed restrictions on the subject use or property. Such variances an restrictions shall be noted on the final (recording) copy of the plan.

D. Waiver of Required Information.

The Planning Board may waive the submittal of required application materials for developments upon finding that the specific information is unnecessary in order to review the application's conformance with this Ordinance. Such waiver(s) shall be noted on the final (recording) copy of the plan.

E. Final Copies of the Plan.

The applicant shall submit three (3) signed copies of the final approved plan to the Code Enforcement Officer. One copy shall be retained by the Planning Board as part of its permanent records. One copy shall be forwarded to the Tax Assessor. One copy shall be forwarded to the Code Enforcement Officer.

7.8 Site Design Criteria and Standards.

The following criteria and standards shall be utilized by the Planning Board in reviewing applications for site design approval. It should be noted that these design criteria and standards do not apply to mobile home park developments. The standards are not intended to discourage creativity, invention, or innovation. The Planning Board may waive the criteria presented in this Section upon a determination by the Planning Board that the criteria are not applicable to the proposed action or upon a determination by the Planning Board that the application of these criteria are not necessary to carry out the intent of this Ordinance. The Planning Board shall approve the site design unless the plan does not meet the intent of the following criteria:

A. Conformance with Comprehensive Plan. The proposed development shall be located and designed in such a manner as to be in conformance with the Town's comprehensive plan.

B. Traffic. The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public roads or pedestrian walkways existing or proposed. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. The Planning Board may require mitigation when the proposed development is anticipated to result in a decline in service, below Level of Service "C", of nearby roadways of intersections. Levels of service are defined by the Highway Capacity Manual, Special Report #209, published by the Research Board, National Research Council, Washington DC, 1985. If an existing intersection is functioning at a Level of Service of "D" or lower prior to the development, the project shall not reduce the current level of service. A copy of the application shall be provided to the appropriate Town authority(s), and to the Maine Department of Transportation if on a state maintained road, for timely review and comment. The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

1. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

2. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of project approval.

C. Site Access. Vehicular access to the development shall provide for safe and convenient access and shall be in conformance with the Technical Standards of this Ordinance. A copy of the application shall be provided to the appropriate Town authority(s), and to the Maine Department of Transportation if on a state maintained road, for timely review and comment.

D. Parking and Vehicle Circulation. The proposed plan provides for adequate parking and vehicle circulation and shall be in conformance with the Technical Standards of this Ordinance. A copy of the application shall be provided to the appropriate Town authority(s) for timely review and comment. The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles throughout the site.

1. Projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for vehicles expected to use the facility.

2. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.

3. The layout and design of dedicated parking areas provided on-site or within a reasonable walking distance from the site shall provide for safe and convenient circulation of vehicles throughout the lot, shall prohibit vehicles from backing out onto a street.

4. All streets and accessways shall be designed to follow the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, delivery and collection services.

E. Pedestrian Circulation. The development plan shall provide for a system of pedestrian circulation within the development. This system shall connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system shall be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, existing sidewalks in the neighborhood, and shall be in conformance with the Technical Standards of this Ordinance. A copy of the application shall be provided to the appropriate Town authority(s) for timely review and comment.

F. Site Conditions.

1. During construction, the site shall be maintained and left each day in a safe and sanitary manner. The site area shall be regularly sprayed to control dust from construction activity.

2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon request and to the satisfaction of the Code Enforcement Officer.

3. No changes in elevation shall be made of any lot or site by the removal of earth to another lot or site other than as shown on an approved site design plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval has been obtained from the Code Enforcement Officer.

G. Open Space.

1. Common open space shall be contiguous, where possible.

2. Common open space as shown on any approved development plan shall contain a notation that common open space areas shall not be further developed for any other use.

3. When reviewing the location and type of open space designated in an application, the Planning Board shall require:

a. Individual lots, buildings, streets, and parking areas shall be designed and situated:

1. to minimize alterations of the natural site;
2. to avoid the adverse effects of shadows, noise, and traffic on the residents of the site; and
3. to relate to the surrounding properties, to improve the view from and of buildings.

b. Diversity and originality in lot layout and individual building, street, parking, and lot layout shall be encouraged.

c. Open space shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).

d. Open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the site.

H. Sanitary Sewage. A sanitary sewer system shall be installed at the expense of the developer, or, if in the opinion of the Planning Board, service by a sanitary sewer system is not feasible, the Board may allow individual underground wastewater disposal systems to be used. The proposed development will not cause an unreasonable adverse effect to the Town sewerage treatment facilities and will not aggravate an existing unhealthy situation. A copy of the application shall be provided to the sewer authority for timely review and comment.

1. Upstream sewage flows shall be accommodated by an adequately sized system through the proposed development for existing conditions and potential development in the upstream area or areas tributary to the proposed development.

2. When not serviced by a public sewerage system, the approval of a application shall be subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for on-site wastewater disposal. All individual on-site systems shall be designed by a Maine licensed soil evaluator in full compliance with the Maine State Plumbing Code, as amended. Upon the recommendation of the local Plumbing Inspector, the Planning Board may require the location on the individual lots of reserve areas for replacement systems.

I. Water. The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water. The proposed development will not cause the depletion of local water resources or be inconsistent with the service plan of the Fort Fairfield Water District. A copy of the application shall be provided to the water district for timely review and comment.

J. Emergency Vehicle Access. All site design applications shall be reviewed by the Fire Chief or their designee and shall receive the approval for conformance with applicable technical standards. The proposed development shall be located and designed in such a way as to provide and maintain convenient and safe access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate safety features as part of the proposed development.

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

1. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

2. All hazardous waste shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.

3. All commercial and industrial developments shall devote floor space suitable to accommodate two (2) recycling containers designed to hold at least one cubic yard of recyclable materials such as, but not limited to, office paper and corrugated cardboard. The floor space requirement shall be met for every 2,500 SF of net floor area.

L. Buffering. The proposal provides for adequate on-site buffering in the vicinity of property boundaries, when required. On-site buffering is required:

1. wherever commercial, industrial, or other non-residential development is proposed adjacent to or across a street from residential or agricultural uses or districts; and

2. as required by the Technical Standards of this Ordinance.

M. Natural Areas. The proposal does not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife and marine habitats, and natural fisheries. A copy of the application shall be provided to the local office of the Maine Department of Inland Fisheries and Wildlife, the Maine Department of Economic and Community Development's, Natural Areas Program, and to the local office of the Maine Department of Environmental Protection for timely review and comment. The proposal shall be consistent with the recommendations of the Departments.

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

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

P. Erosion and Sedimentation Control. The proposed development includes adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, water courses, or lowlands by virtue of soil erosion or sedimentation.. The erosion control measures are to be in conformance with the most

current standards of the US Soil Conservation Service. The following measures shall be included where applicable as part of any site design review and approval:

1. Stripping of vegetation, regarding or other development shall be done in such a way as to minimize erosion.

2. Development shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with the topography so as to create the least amount of erosion potential, and so as to adequately handle surface water run-off.

3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.

4. Disturbed soils shall be stabilized as quickly as practical.

5. Temporary vegetation, mulching, or other acceptable measures shall be used to protect exposed critical areas during development.

6. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.

7. Until the disturbed area is stabilized, sediment in the run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable measures.

8. Whenever sedimentation is caused by stripping vegetation, regarding or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses, and to repair any damage at their expense as quickly as possible.

9. Any activity on a stream, watercourse, or swale or upon a floodway or right-of-way shall comply with the Town's Shoreland Zoning Ordinance and the State's Natural Resources Protection Act, Title 38 MRSA, Sections 480A-480S. Any such activity shall be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway, or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.

10. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

Q. Buildings. The bulk, location, and height of proposed buildings or structures will not cause health or safety problems to existing uses in the neighborhood, including without limitation those resulting from any substantial reduction in light and air or any significant wind impact.

R. Existing Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing to the greatest extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter measured at 4.5 feet from ground level, soils, and significant vegetation buffers. If a site includes a ridge or ridges above the surrounding areas and provides for scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving scenic vistas.

S. Infrastructure. The proposed development shall be designed so as to be consistent with off premises infrastructure, such as but not limited to, sanitary and storm sewers, wastewater treatment facilities, roadways, sidewalks, trail systems, and street lights, existing or planned by the Town.

T. Advertising Features. The size, location, design, color, texture, material, and lighting of all permanent signs and outdoor lighting fixtures shall not detract from the design of proposed buildings or neighboring properties and shall be in conformance with the Technical Standards of this Ordinance.

U. Design Relationship to Site and Surrounding Properties. The proposed development provides a reasonably unified response to the design constraints of the site and is sensitive to nearby developments by virtue of the location, size, design, and landscaping of buildings, driveways, parking areas, storm water management facilities, utilities storage areas, and advertising features.

V. Scenic Vistas and Areas. The proposed development shall not result in the loss of scenic vistas or visual connection to scenic areas as identified in the Town's comprehensive plan.

W. Utilities. Utilities such as natural gas, propane, electric, telephone, and cable TV services located above ground shall be located so as not to be unsightly or hazardous to the public and shall be landscaped or otherwise buffered so as to screen the components from public view. The underground placement of utilities is encouraged.

X. Mineral Exploration. Mineral exploration to determine the nature and extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitations.

Y. Technical Standards. The proposed development meets the requirements of Article 7.9 of this Ordinance, except as may be waived by the Planning Board.

Z. Phosphorus Export. Proposed development within the watershed of a lake or pond shall be designed to limit phosphorous runoff. The Planning Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments at five year intervals, subject to a reasonable appropriation by the Town to conduct such an assessment, or the availability of adequate state or regional grant programs or technical assistance programs. Phosphorus export from a proposed development shall be calculated according to the procedures defined in "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", (MDEP et. al., 1989, as amended). Phosphorus control measures shall meet the design criteria contained in "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", (MDEP et. al., 1989, as amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage the use of non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

7.9 Site Design Technical Standards.

The following technical standards shall apply to all site designs, provided, where the Planning Board finds that due to special circumstances of a particular plan, the provision of certain required standards which are not requisite in the interest of public health, safety, and general welfare, may waive such requirements. The following technical standards do not apply to mobile home park developments.

A. Off-Street Parking and Loading.

1. General.

   a. A permitted use in any district shall not be extended, and no structure shall be constructed or enlarged, unless off-street automobile parking space is provided in accordance with this subsection.

   b. All parking spaces shall be 9 feet x 19 feet.

   c. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

   d. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility.

   e. Parking spaces shall be provided as required and made available for use prior to the issuance of the Certificate of Occupancy.

2. Additional Requirements for Commercial and Industrial Establishments.

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

b. All parking areas, driveways, and other areas serving ten (10) or more vehicles shall be paved with bituminous concrete or an equivalent surfacing over a gravel sub-base at least 6" in thickness.

c. All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of 25 feet measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.

d. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any Town way.

e. Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving.

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

a. Vehicular Entrance and Exit.

1. Entrances and exits should be clearly identified by the use of signs, curb cuts, and/or landscaping.

2. Entrance and exit design shall be in conformance with the standards contained within this Ordinance.

b. Interior Vehicular Circulation.

1. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.

2. Access to parking stalls should not be from major interior travel lanes and shall not be immediately accessible from any public way.

3. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

4. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.

5. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.

6. Entrance/exits shall be designed to allow adequate stacking of vehicles without blocking interior vehicle circulation lanes.

7. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards.

8. Aisle Width and Parking Angle. The width of all aisles and parking angles providing direct access to individual parking stalls shall be in accordance with the requirements below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

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

9. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Business and Industrial Districts, may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.

10. Parking areas in the Shoreland Areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

11. In paved parking areas painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width. Where double lines are used, they should be separated a minimum of 12" on center.

12. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate traffic flow.

13. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

4. Required Parking Spaces.

a. Parking spaces shall be provided to conform with the number required in the following schedule:

Activity	Minimum Required Parking
Residential	
with 2 or more bedrooms	2 spaces per dwelling unit
with 1 bedroom	1.5 spaces per dwelling unit
Elderly Housing	1 space per dwelling unit
Tourist home, boarding, lodging house, motel, hotel, inn	1 space per room/unit rental and for each employee on the largest shift
Church	1 space per three seats based upon max. seating capacity
Schools	
Primary	1.5 spaces per classroom
Secondary	8 spaces per classroom
Post-Secondary	1 space for each student and 1 space for each faculty and staff member
Child Care Facility	1 space for every 4 children facility is licensed to care for
Private Clubs or Lodges	1 space per every seventy-five (75) SF of floor area
Theatre, Auditorium, Public Assembly Areas	1 space per three seats based upon max. seating capacity
Funeral Homes	1 space for every 100 SF of floor area
Medical Care Facilities	1 space for every three (3) beds and every two (2) employees on the maximum working shift

Offices, Banks	1 space for every 150 SF of floor area
Medical Offices (MD's, OD's)	10 spaces for each doctor, dentist, or other medical practitioner
Veterinarian clinic, Kennel	5 spaces/veterinarian
Retail and Service Businesses	1 space for every 150 SF of floor area
Barber/Beauty Shop	4 spaces/chair
Restaurant	1 space per three seats based upon max. seating capacity
Industrial Businesses	1 space/employee on the maximum working shift
Warehouse, wholesale	1 space/500 SF floor area
Flea Market	3 spaces/table
Mixed Use	Total of individual uses.
Automobile Repair Garage and Repair Gasoline Filling Stations	5 spaces for each bay or area used for work
Library, Museum, Art Gallery	1 space for each 150 SF of floor area
Commercial Recreation Facility, Fitness Area	1 space for each 100 SF of floor area
Motor Vehicle Sales	1 space reserved for customers per thirty vehicles displayed on the lot.

Notes

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

B. Driveways.

1. New Driveway Construction.

a. General. New driveway design shall be based on the estimated volume using the driveway classification defined below:

1. Low Volume Driveway:	Less than 50 vehicle trips per day.
2. Medium Volume Driveway:	50-200 vehicle trips per day.

b. Sight Distances. Driveways should be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances should be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3.5 feet, to the top of an object 4.5 feet above the pavement. The required sight distances are listed below for various designed speed limits.

Sight Distances*

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

* Required exiting sight distance for a standard passenger vehicle to safely enter onto a 2-lane roadway from a complete stop, allowing approaching vehicles to adjust speed to avoid a collision.
** Approximately equivalent to 1.5 times the average stopping distance on wet pavement, 3% downgrade, as documented by AASHTO, 1990.
*** Ten times the design speed

c. Vertical Alignment. A driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume driveways shall slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet followed by a slope of no greater than 10 percent for the next 50 feet. The maximum grade over the entire length shall not exceed 15 percent. Medium volume driveways should slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet. Following this landing area, the steepest grade on the driveway shall not exceed 8 percent.

d. Design Standards.

1. Low Volume Driveways.

a. Skew Angle. Low volume driveways shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.

b. Curb Radius. The curb radius shall be between 5 feet and 15 feet, with a preferred radius of 10 feet.

c. Driveway Width. The width of the driveway shall be between 12 feet and 16 feet, with a preferred width of 16 feet.

d. Curb-Cut Width. Curb-cut width shall be between 22 feet and 46 feet, with a preferred width of 36 feet.

2. Medium Volume Driveways.

a. Skew Angle. Medium volume driveways shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.

b. Curb Radius. Curb radii will vary depending if the driveway is one-way or two-way accessway. On a two-way driveway the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one-way driveways, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.

c. Width. On a two-way driveway the width shall be between 24 and 26 feet, with a preferred width of 25 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way driveway the width shall be between 16 and 20 feet, with a preferred width of 18 feet.

d. Curb-Cut Width. On a two-way driveway the curb-cut width shall be between 74 feet and 100 feet with a preferred width of 86 feet. On a one-way driveway the curb-cut width shall be between 46 feet and 70 feet, with a preferred width of 51 feet.

Driveway Design Standards
Preferred Dimension in ( )

	Driveway Width	Curb Radii	Curb-Cut Width	Skew Angle
Low Volume Driveway	12-16' (16')	5-15' (10')	22-46' (36')	90 degrees
Medium Volume Driveway				
Two-Way Driveway	24-26' (25')	25-40' (30')	74-100' (86')	90 degrees
One-Way Driveway	16-20' (18')	30'	46-70' (51')	90 degrees

* raised median should be 6-10' wide, be 25'-100' in length (100'), and have appropriate traffic control signage.

e. Driveway Location and Spacing.

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

Minimum Standards for Corner Clearance

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

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

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

Minimum Driveway Spacing

Driveway Type	Minimum Spacing to Property Line (Dpl)[1] (feet)	Minimum Spacing to Adjacent Driveway by Driveway Type[2] (Dsp)[3] Low (feet)	Medium (feet)
Low Volume	5	*	75
Medium Volume	10	--	100

1 Dpl measured from point of tangency of driveway to projection of property line on road-way edge.
2 For two or more driveways serving a single parcel, or from a proposed driveway from an existing driveway.
3 Dsp measured from point of tangency of driveway to point of tangency of adjacent driveway.
* Low volume driveways are not permitted in combination with other driveway types on a single lot.

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

4. Acceleration Lanes. Where a driveway serves right-turning traffic from a parking area providing two hundred (200) or more parking spaces and the road has an ADT volume exceeding seven thousand five hundred (7,500) vehicles, an acceleration lane shall be provided which is at least two hundred (200) feet long and at least ten (10) feet wide measured from the road curbline. A minimum thirty-five (35) feet curb return radius shall be used from the driveway to the acceleration lane.

5. Deceleration Lanes. Where the same conditions exist as in the previous paragraph and a driveway serves as an entrance to a development, a deceleration lane shall be proved for traffic turning right into the driveway from the road. The deceleration lane shall be at least two hundred (200) feet long and at least ten (10) feet wide measured from the road curbline. A minimum thirty-five (35) foot curb return radius shall be used from the deceleration lane into the driveway.

f. Construction and Materials/Paving.

1. All driveways entering a curbed street shall be curbed with materials matching the street curbing. Curbing is required around all raised channelization islands or medians.

2. All commercial and industrial driveways regardless of driveway volume shall be paved with bituminous concrete pavement within 10 feet of the roadway right-of-way.

3. The remainder of the driveway should be constructed to the following specifications (MDOT Standard Specifications, Section 703.06):

   a. graded to a crown of no less than .5":12"; and
   b. constructed of 12" Type D subbase gravel and 3" Type A base gravel.

4. Dust control shall be approved by the Code Enforcement Officer prior to being applied and shall be applied at time of construction with either calcium chloride, or an approved alternative, by being mixed with the gravel or sprayed on at completion of the driveway.

5. As a means of prolonging the life of the driveway and creating a pervious surface, 4 oz. woven or unwoven stabilization geo-textile may be used, as can properly constructed geo-web and blocks, grass paving rings, or other similar devices approved by the Code Enforcement Officer.

C. Sidewalks.

Sidewalks shall be installed within all developments within the designated growth area in the comprehensive plan. Where sidewalks exist adjacent to a proposed development outside of the growth area, sidewalks shall be installed connecting to existing sidewalks. Where installed, sidewalks shall meet these minimum requirements.

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

2. Bituminous Sidewalks.

   a. The "subbase" aggregate course shall be no less than twelve (12) inches thick after compaction.

   b. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two (2) lifts, each no less than one inch after compaction.

3. Portland Cement Concrete Sidewalks.

   a. The "subbase" aggregate course shall be no less than twelve (12) inches thick after compaction.

   b. The Portland Cement concrete shall be reinforced with six (6) inch square, number 10 wire mesh and shall be no less than four (4) inches thick.

D. Exterior Lighting.

1. Style. The style of the light and light standard shall be consistent with the architectural style of the principal building.

2. Maximum Height. The maximum height of free standing lights shall be the same as the principal building, but not to exceed twenty-five (25) feet.

3. Lights at Property Boundaries. Where lights along property lines will be visible to adjacent residents, the lights shall be appropriately shielded.

4. Lighting of Parking Areas. The Planning Board shall determine the necessity for lighting of parking areas. All parking areas to be lighted shall provide a minimum of three (3) footcandles at intersections and a total average illumination of one and one-half (1.5) footcandles throughout the parking areas as required. Such lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or the traveling public.

5. Required Light Levels.

   a. Parking lots: An average of one and one-half (1.5) footcandles throughout.
   b. Intersections: Three (3) footcandles.
   c. Maximum at property lines: One (1.0) footcandle.
   d. In residential areas: Average of six-tenths (0.6) footcandle.

E. Buffers and Screening.

1. A landscaped buffer strip of no less than fifteen (15) feet in width and six (6) feet in height shall be provided to minimize the visual impact of adverse characteristics such as, but not limited to, storage areas, parking spaces, driveways, loading areas, exposed machinery, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and to protect abutting residential properties from the intrusion of noise, light, and exhaust fumes from such non-residential buildings and uses. The buffer areas shall be maintained and vegetation replaced to ensure continuous year round screening.

2. Where no natural vegetation or berms can be maintained, or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges, or combinations thereof.

3. Any abutting residential property shall be effectively screened by a continuous landscaped area no less than six (6) feet in height along lot lines adjacent to the residential properties, except that driveways shall be kept open to provide visibility for entering and leaving.

4. Buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, waste collection and disposal areas.

5. Where a potential safety hazard to small children would exist, physical screening / barriers shall be used to deter entry to such premises.

6. There shall be no paving, parking, or structures located in the buffer area.

7. The Planning Board may allow a buffer area of less width when site conditions, such as natural features, vegetation, topography, or site improvements, such as additional landscaping, berming, fencing, or low walls, make a lesser area adequate to achieve the purposes of this Ordinance.

7.10 Conditional Approvals for Site Design.

A. The Planning Board may impose any condition upon approval of any site design for the following reasons:

1. To minimize or abate, to the extent feasible, any adverse impact of the proposed development on the value or utility of other private property, or on public property or facilities; or

2. To bring the development into compliance with the requirements of the Review Criteria and the Technical Standards of this Ordinance; or

3. To mitigate any other adverse effects of the proposed development.

B. Such conditions may include, but are not limited to, the imposition of a time limit for the conditional use; the employment of specific engineering, construction, or design technologies, modes of operation, or traffic patterns; and may also include the construction of on or off site improvements including, without limitation, streets, intersection improvements, sidewalks, sewers, and drainage courses. All such conditions shall be consistent with the purposes set forth in this Ordinance.

7.11 Revisions to Approved Site Designs.

The site shall be developed and maintained as depicted in the approved site design and the written submission of the applicant. Modification of any approved site design shall require the prior approval of a revised site design by the Planning Board pursuant to the terms of this Ordinance. Any such parcel lawfully altered prior to the effective date of this Ordinance shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site design, including but not limited to, topography, vegetation, and impervious surfaces shown on the site design. Field changes for site designs may be made by the CEO and are limited to minor variations necessary to deal with unforeseen difficulties that arise during the course of construction involving such technical detail as utility location and substitution of equivalent plantings and shall not include any substantial alteration of the approved plan or change any condition imposed by the Planning Board.

7.12 Post Approval Submissions.

Following site design approval and prior to issuance of any permit, the developer shall submit copies of the contract plans and specifications, in reproducible form, showing the design of all infrastructure improvements, including without limitation all streets, sewers, drainage structures, and landscaping, to the Code Enforcement Officer for review and approval for compliance with the Town's construction standards. Thereafter, all departures from such plans may be approved by the CEO as "field changes", subject to Section 7.11, above. Nothing herein shall diminish the obligation of the developer to supply plans or specifications as provided in this Ordinance.

Section 8 Administration, Enforcement, and Penalties.

8.1 Permit Not Required.

Only the following activities shall not require a building permit: repairs, replacement, and/or normal maintenance not requiring structural elements, decorative changes in existing structures or buildings, provided that the activity is in conformance with federal, state, and local statutes, ordinances, regulations, codes, and plans and does not involve any other physical modifications or changes requiring a permit under this Ordinance.

8.2 Fees.

If required, the applicant shall pay into a special account the cost to the Town of hiring independent consulting services. The conditions and the amount of the fee shall be established by the Code Enforcement Officer after securing an estimate of the cost of the services and the applicant has seen the estimate. The final fee amount shall be approved by the Town Council. If the balance in the special account is drawn down by 75 percent, the Board shall notify the applicant and require an additional amount. Any balance in the account remaining after a final decision on the application shall be returned to the applicant.

8.3 Permit Application.

A. Any person requesting a permit or informed by the Code Enforcement Officer or Planning Board that they require a permit, shall file an application, and any required fee, with the Code Enforcement Officer on forms provided for the purpose by the Town Office or Code Enforcement Officer. It shall be the responsibility of the applicant to demonstrate that the proposed development meets all applicable standards.

B. All applications shall be made by the owner of the property or their agent, as designated in writing by the owner. An application should be diligently pursued from the date of submission.

C. Applications shall *not* be considered as having pending status and shall be subject to changes in federal, state and local statutes, ordinances, regulations, codes, and plans until the time they have been determined to be complete final applications.

D. The Code Enforcement Officer shall make an initial determination of the completeness of the application.

1. If the permit to be issued is from the Code Enforcement Officer, the CEO shall make a determination of the completeness of the application.

2. If the permit to be issued is from the Planning Board, the Planning Board shall make a final determination of the completeness of the application. Upon receipt of an application from the Code Enforcement Officer, the Planning Board shall schedule the application to be reviewed for completeness at the next available Planning Board meeting. Review shall not occur unless there is evidence that the required public notice has been given and the material required is filed with the Planning Board in a timely manner. Within 30 days of determining that an application is a complete, the Planning Board may conduct a public hearing on the application, if the application poses the potential for significant impacts to municipal facilities or natural resources, unless either the applicant or the Planning Board determines that additional workshops are necessary.

E. Any application which the Code Enforcement Officer initially determines to be incomplete shall be returned to the applicant by the Code Enforcement Officer with a written notice of the additional information required. The written notice shall set forth those items which need to be submitted and that the applicant will have one hundred and twenty (120) days to complete the application. If the applicant fails to submit any item specified within the one hundred twenty (120) days of the date of said notice from the Code Enforcement Officer, the application shall expire and shall be deemed null and void. Nothing in this Section shall prevent the Code Enforcement Officer from requiring additional information as otherwise permitted or required by the terms of this Section. At such time that the additional information has been supplied, the Code Enforcement Officer shall either; in the case of a CEO permit, determine that the application is complete, or in the case of a Planning Board permit, pass the application on to the Planning Board for review and final determination of completeness.

F. The Code Enforcement Officer or Planning Board may request copies of the application be forwarded to other Town department(s) or committee(s). The comments of the department(s) or committee(s) are advisory to the Planning Board and shall pertain to the application's conformance with the review criteria of this Ordinance. The Code Enforcement Officer or Planning Board may postpone the final decision regarding the application until such time as the comment from the Town department(s) or committee(s) has been submitted.

G. Within 30 days of the Code Enforcement Officer's determination that they have a complete application for a CEO issued permit; or, in the case of a Planning Board permit, within 30 days of the final public hearing date, or from the date of determination by the Planning Board that an application is complete and there is no need for a public hearing on the application; a written decision indicating all findings either approving, approving with conditions, denying, or tabling the application, shall be drafted within ten (10) days of the decision stating the reason(s) therefore sufficient to appraise the applicant and any interested member of the public of the basis for the decision. If an application is tabled, an additional public hearing shall be held. If the application is approved, the Code Enforcement Officer shall: issue a permit within ten (10) days of the application approval, provided that all applicable federal, state and local statutes, ordinances, regulations, codes, and plans are met; notification shall be given to the Tax Assessor; and a copy of the application/permit shall be kept in a permanent file.

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

I. The decision regarding the application is appealable by the applicant or an abutter to the Board of Appeals. Application decisions of the Board of Appeals are appealed to the Superior Court.

J. Following the issuance of a permit, if thirty (30) percent of the permitted construction is not completed within twelve (12) months of the date of the permit, the permit shall lapse and become null and void and all fees shall be forfeited. Thereafter, no further work on such construction can be made until a new application and fee has been made and approved by the Code Enforcement Officer or Planning Board, whomever made the decision on the initial application.

K. No public utility, water district, sanitary district, or any utility company of any kind may install services to any new structure unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate Town officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

L. The Code Enforcement Officer shall not issue any permit if they have knowledge that a particular structure would be located in an unapproved subdivision, and/or if they have knowledge that the structure would be in violation of a particular state law for which the Town has enforcement responsibilities, or local ordinance. In denying any permit under these circumstances, the Code Enforcement Officer shall state in writing the reasons for the denial.

8.4 Certificate of Occupancy Required.

A. A certificate of occupancy issued by the Code Enforcement Officer is required in advance of the use or occupancy of:

1. Any lot, or change of the use thereof.
2. A structure hereafter erected or a change in the use of an existing structure.

B. No certificate of occupancy shall be issued unless the lot of building or structure complies with all the provisions of this Ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Code Enforcement Officer, and a copy shall be furnished, on request, to any person having a proprietary or

tenancy interest in the structure or land involved. A duplicate copy shall be filed in the office of the tax assessor and the certificate of occupancy shall state specifically the uses which is permits.

C. All construction or alterations to the site performed under the authorization of permits or certificates of occupancy issued for development within the scope of this Ordinance shall be in conformance with the approved final plan or an amendment.

8.5 Code Enforcement Officer.

A. It shall be the duty of the Code Enforcement Officer (CEO) to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, the CEO shall notify the applicant in writing indicating the nature of the violations and ordering the action necessary to correct it. The CEO shall send a copy of such notice to the Town Officers and said notice shall be maintained as part of the permanent record. The failure of the CEO to follow the notice procedure set forth within this subsection shall not prevent the Town Officers from taking any legal action to enforce this Ordinance and to pursue all available legal remedies, including without limitation, injunctive relief, fines, and attorney fees. The CEO shall have the authority to issue a stop work order upon a finding that work has been commenced or completed prior to receipt of all approvals required by this Ordinance or contrary to the terms of an approved site design. The CEO shall order the removal of illegal buildings, structures, additions, materials, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, its provisions. Any construction or site work not in conformity with an approved site design shall constitute a violation of this Ordinance. Work shall recommence only after such order has been lifted.

B. The CEO shall maintain the current addresses and phone numbers of federal or state agencies with which an applicant may want to check to determine what other laws apply to a proposed development. In addition, the CEO shall maintain a current file of all pertinent local statutes, ordinances, regulations, codes, and plans relating to land-use regulation including local subdivision plans. The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis the CEO shall submit a summary of such record for the shoreland areas as defined to the Director of the Bureau of Land Quality Control within the Maine Department of Environmental Protection.

C. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to approval. The CEO 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 the laws or ordinances set forth in this Section. If consent is denied they should obtain an administrative warrant before entering the property. The CEO may revoke a permit after proper notification and an opportunity for a hearing if it was issued in error or if based on erroneous information.

8.6 Legal Action and Violations.

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

8.7 Penalties.

Any person, firm, or corporation being the owner, contractor, or having control or use of any structure or premises who violates any of the provisions of this Ordinance shall upon conviction be fined in accordance with provisions of 30-A MRSA §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. Fines shall be payable to the Town of Fort Fairfield.

Section 9 Board of Appeals.

9.1 Establishment and Organization.

A Board of Appeals is hereby established which shall consist of three (3) members and two (2) associate members. The term of office of a member or associate is three (3) years serving staggered terms. A Town officer or their spouse may not be a member or associate member of the Board of Appeals. When a regular member of the Board is unable to act because of interest, physical incapacity, or absence, an associate member shall act in their stead. Members of the Board of Appeals shall be appointed by the Town officers. When there is a permanent vacancy, the Town officers shall appoint a new member to serve for the remainder of the unexpired term. Members of the Board of Appeals may be removed from office by the Town officers for cause upon written charges and after public hearing. The Board of Appeals shall elect a chairperson and secretary from its own membership.

9.2 Proceedings of the Board of Appeals.

The Board of Appeals shall adopt rules necessary to the conduct of its affairs, in keeping with the provisions of this Ordinance and Title 30-A, MRSA, §2691. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in their absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or of absence or failure to vote, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed in the Town offices. A quorum shall consist of three (3) members.

9.3 Powers and Duties of the Board of Appeals.

The Board of Appeals shall have the following powers:

A. Administrative Appeals.

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Code Enforcement Officer or Planning Board in the administration of this Ordinance, provided that the Board of Appeals shall have no jurisdiction to review the merits of an approval or denial by the Planning Board nor to consider the imposition of conditions of approval or the failure to impose one or more conditions. When errors of administrative procedures or interpretation are found, the case shall be remanded to the Code Enforcement Officer or Planning Board for correction.

B. Variances. To authorize variances upon appeal in specific cases, but only within the limitations set forth in this Ordinance.

C. Interpretations of the Ordinance.

9.4 Variances.

Variances may be permitted only under the following conditions:

A. Dimensional variances may be granted only for dimensional requirements, including, but not limited to, height, minimum lot size, frontage, structure size, setbacks, percent of lot coverage, impervious surfaces, and open space requirements.

B. Variances cannot, under any circumstances, be obtainable for establishment of any uses otherwise prohibited.

C. The Board shall not grant a variance unless it finds that all of the following criteria are met:

1. That the land in question cannot yield a reasonable return unless a variance is granted. Such hardship may be found by the Board of Appeals where this Ordinance, as applied to the applicant's property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put; and

2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and

3. That the granting of a variance shall not alter the essential character of the locality; and

4. That the hardship is not the result of action taken by the applicant or a prior owner. Mere inconvenience to the property owner shall not satisfy this requirement. Financial hardship alone, personal hardship, or pleading that a greater profit may be realized from the applicant's property were a variance granted shall be sufficient evidence of unnecessary hardship.

D. The Board may grant a setback variance of up to 20 percent of the required setback for a year-round, owner occupied, single family residence if the owner meets all of the following hardship criteria:

1. That the land in question cannot yield a reasonable return unless a variance is granted. Such hardship may be found by the Board of Appeals where this Ordinance, as applied to the applicant's property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put; and

2. That the granting of the variance shall not alter the essential character of the locality; and

3. That the hardship is not the result of action taken by the applicant or a prior owner; and

4. That the granting of the variance shall not substantially reduce or impair the use of the abutting property; and

5. That the granting of the variance is based on a demonstrated need, not a convenience, and no other feasible alternative is available.

E. A disability variance may be granted by the Board of Appeals 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 with the disability. The Board nay impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this subsection, a disability shall have the same meaning as a physical or mental handicap under Title 5 MRSA §4553.

F. The Board of Appeals shall limit any variances granted as strictly as possible in order to preserve the terms of the Ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary, to this end.

G. A copy of all variances granted in Shoreland Areas by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the Board's decision.

H. If the Board of Appeals grants a variance under this Section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of granting, shall be prepared in a recordable form by the Board of Appeals. This certificate must be recorded in the Aroostook County Registry of Deeds by the applicant within ninety (90) days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.

9.5 Appeal Procedure.

A. Making an Appeal.

1. An appeal may be taken to the Board of Appeals by an aggrieved person from any decision of the Code Enforcement Officer or Planning Board. Such appeal shall be taken within thirty (30) days of the decision

appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

2. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, specifying the grounds for such appeal. For a variance appeal the applicant shall submit:

   a. A sketch drawn to scale showing lot lines, location of existing building, and other physical features pertinent to the variance request.

   b. A concise written statement stating what variance is requested and why it should be granted.

3. Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board copies of all the papers specifying the record of the decision appealed from. Each appeal shall be accompanied by a fee to cover advertising and administrative costs. If the actual cost of advertising and notification exceeds the fee paid, the applicant shall pay the balance. The Board of Appeals shall hold a public hearing on the appeal within forty-five (45) days.

B. Procedure on Appeal.

1. At least fifteen (15) days prior to the date of the hearing on such appeal, the Board shall cause to be published in one issue in a newspaper of general circulation in Fort Fairfield a notice which includes:

   a. The name of the person appealing.
   b. A brief description of the property involved.
   c. A brief description of the decision appealed from, or the nature of a variance appeal.
   d. The time and place of the Board's hearing.

2. At least ten (10) days prior to the date set for hearing, the Board shall also cause the Town Clerk to give similar written notice to:

   a. All property owners of record whose properties lie within 200 feet of the affected property.
   b. The person making the appeal, and
   c. The Planning Board, the Code Enforcement Officer, and any other parties of record.

3. Failure of the appellant to receive a notice sent by the Town in accordance with this Section does not invalidate an Ordinance or any provision of an Ordinance. However, any person entitled to receive a notice of a zone change under this Section who does not receive such a notice may appeal the decision of the Town to adopt the zoning ordinance to the Superior Court within thirty (30) days after the date of adoption of the zoning ordinance. The Superior Court may invalidate a zoning ordinance or any provision of a zoning ordinance, if the appellant was entitled to receive a notice under this Section, that the Town failed to send a notice as required, that the appellant had no knowledge of the proposed zoning change, and that the appellant was materially prejudiced by that lack of knowledge.

C. Hearings.

1. The Board may receive any oral or documentary evidence, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present their case or defense by oral or documentary evidence to submit rebuttal evidence and to conduct such cross-examinations as may be required for a full and true disclosure of the facts.

2. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairperson.

3. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause. For example, if the Board of Appeals determines that the appeal before it was inappropriately classified the Board shall give the applicant the opportunity to amend the application and

continue the hearing until the public has been properly notified of the appeal's reclassification and of the time and place when the hearing shall continue. An additional fee may be charged for a continued hearing.

4. The Code Enforcement Officer or their designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

5. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.

6. The record may be keep open after the hearing by order of the Chairperson until a date established by the order.

9.6 Decisions of the Board of Appeals.

A. In deciding any appeal, the Board of Appeals may:

1. Interpret the provisions of the Ordinance called into question;
2. Approve the issuance or a special exception or conditional use permit in strict compliance with the Ordinance, except that an appeal from the granting or denial of such a permit shall be taken to Superior Court; and
3. Grant a variance in strict compliance with Section 9.4, Variances, above.

B. The Board shall decide all appeals within thirty (30) days after the hearing, and shall issue a written decision on all appeals.

C. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief, or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, their representative or agent, the Planning Board, agency or office, the Code Enforcement Officer, and the Town officers within seven (7) days of the decision date.

D. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a Permit in accordance with the conditions of the approval, unless the applicant's proposal requires Site Design Review.

E. Appeals may be taken within forty-five days from any decision of the Board of Appeals to Superior Court.

F. Any Board of Appeals reconsideration of an original decision must be reconsidered and the proceedings completed within thirty (30) days of the vote on the original decision.

9.7 Stay of Proceedings.

An appeal stays all legal proceedings related to the action appealed from unless the officer or Board from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal has been filed with the officer or Board, that by reason of facts stated in the certificate a stay would, in the officer or Board's opinion, cause irreparable harm to property or create a threat to the life or health of any person including the appellant. In such case, the officer or Board, if legally authorized by State law or local ordinance, may seek injunctive relief or, in appropriate cases, refer the matter to the Town officers for prosecution.

Section 10 Amendments.

10.1 Initiation.

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

A. The Planning Board, by majority vote of the Board;
B. The Town officers, through a request to the Planning Board;
C. An individual, through a request to the Planning Board; or
D. A written petition of a number of voters equal to at least ten percent (10%) of the voters in the last gubernatorial election.

10.2 Procedure.

A. 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 proposal, 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 Town officers or the Planning Board, a fee shall accompany the proposal to cover the costs of hearings and advertisements.

B. Within thirty (30) days of receiving an amendment, the Planning Board shall hold a public hearing on the proposed amendment, and unless the amendment has been submitted by the Town officers or by a petition the Board, shall vote whether to forward the amendment to the Town officers. The Board shall make a written recommendation regarding passage to the Town officers and Legislative Body prior to any action on the amendment by the Town officers.

C. The Town 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 Town at least seven (7) days prior to the hearing. The notice shall contain the time, date, and place of 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 Town Clerk's office shall be adequate notice.

D. Copies of amendments applicable to shoreland areas, attested, and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of the his receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Town of Fort Fairfield within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

10.3 Adoption.

Any amendment to this Ordinance shall be adopted by the Legislative Body as required in the Town Charter, as may be amended.

Section 11 Definitions.

11.1 Construction on Language.

In the interpretation and enforcement of this Ordinance and the Subdivision Ordinance, all words other than those specifically defined in the Ordinances, shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of these Ordinances and any map, illustration, or table, the text shall control.

The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.

The word "shall" is mandatory, the word "may" is permissive.
The word "lot" includes the words "plot" and "parcel".

The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The word "Town" shall mean the Town of Fort Fairfield, Maine.

11.2 Definitions.

In this Ordinance the following terms shall have the following meanings:

Abandonment: The stopping of an activity, use, business, in addition to: actions taken roperty owner or agent that removes the major portion of materials, goods, equipment, facilities, or parts ereo ecessary for the operation of the activity, use, or business. Also, contains the element of abandoned and/or o a less intensive use of the property/structure.

Accessory Use or Structure: A use or structure which is customarily and in fact both incidental and subordinate to the principal use of the structure. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. In shoreland areas, a deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Agent: Any one having written authorization to act in behalf of a property owner, signed by the property owner.

Aggrieved Person: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

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

Agricultural Products, Processing, and Storage: Establishments engaged in the manufacturing, processing, and/or packaging of foods, dairy products, commercial composting, and storage of such products.

Agricultural Sales and Service: The use of buildings or land for the sale of equipment or products or services to those engaged in agriculture.

Alteration: Any change, addition, or modification in construction. other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

Amusement Facility: Any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, collectively, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Applicant: The person applying for approval under this Ordinance.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater change of flooding in any given year.

Automobile Graveyard: A yard, field, or other area used as a place of storage, other than temporary storage by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose for making repairs to render a motor vehicle serviceable, for three (3) or more unserviceable, discarded, worn out or junked motor vehicles, bodies, or engines thereof are gathered together including, but not limited to, automobiles, trucks, and/or tractors.

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

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

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year, alternately referred to as the 100 year flood.

Basement: The enclosed area underneath a structure, typically having a masonry floor and walls which comprise the structure's foundation. The clear height up to the joists supporting the floor directly above is three (3) feet or greater.

Bathroom: A room with a bathtub and/or shower, toilet, and washstand.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation. The dwelling shall also be occupied by a permanent resident. There shall be no provision for cooking in any of the individual guest rooms.

Billboard: A sign, structure, or surface which is available for advertising purposes for goods or services rendered off the premises.

Boarding (Lodging) Facility: Any residential structure where lodging is provided for three (3) or more boarders and with or without meals are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provision for cooking in any individual guest room.

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

Buffer: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or personal property.

Building Height: The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys, spires towers, or similar accessory structures.

Bulk Grain Storage: Establishments primarily engaged in the warehousing and storage of grain for resale or own use other than normal storage associated with on-site consumption.

Business Directional Sign: A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 MRSA §1901, et. seq. which points the way to public accommodations and facilities or other commercial facilities.

Business, Commercial, or Industrial Sign: An attached or freestanding structure which directs attention to a business or profession conducted on that premises.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles, or other shelters for which a fee is charged.

Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Capital Improvements Program (CIP): The Town's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Cemetery: Property used for the interring of the dead.

Certificate of Compliance: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of the Floodplain Management Ordinance.

Change of Use: A change from one category in the land use table to another or the addition of a new category of use to an existing use.

Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable sign for purposes of this Ordinance. A sign on which the copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy for the purposes of this Ordinance.

Church: A building or structure, or group of buildings or structures, designed, primarily intended, and used for the conduct of religious services, excluding Sunday School.

Clinic: An establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domicilliary arrangements; medical or dental.

Club: Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests including fraternities, sororities, and social organizations.

Club, Private: Any building or rooms, which serves as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefit of its members and not for the general public.

Club, Recreational: Any building or land which serves as a meeting place or recreation area for an incorporated or unincorporated association or group operated for the benefit of its members and guests and not open to the general public, and not engaged in activities customarily carried on by a business for pecuniary gain.

Cluster Development: A development designed to promote the creation of open space by a reduction in dimensional and area requirements.

Code Enforcement Officer (CEO): A person appointed by the Town Officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include, but not be limited to, Building Inspector, Plumbing Inspector, Electrical Inspector, where applicable.

Commercial Composting: The processing and sale of more than 1000 cubic yards of compost per year.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity, including but not limited to: racquet clubs, health facility and amusement parks, but not including amusement centers.

Commercial Use: Commercial shall include the use of lands, buildings, or structures, other than home occupations, the intent and result of which activity is the production of income from the buying and selling of goods and services, exclusive of rental of residential buildings and dwelling units.

Common Open Space: Land within or related to a subdivision, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the subdivision or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the usable open space, such as for outdoor recreation.

Community Center: A building which provides a meeting place for local, non-profit community organizations on a regular basis. The center shall not be engaged in activities customarily carried on by a business.

Complete Application: An application shall be considered complete upon submission of the required fee, a signed application, and all information required by the appropriate application, except as validly waived by the vote of the Planning Board to waive the submission of required information.

Comprehensive Plan: A document or interrelated documents adopted by the Town's legislative body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Confined Feeding Operations: Specialized livestock production enterprises with confined beef cattle and hog feeding and poultry and egg farms and accessory structures. These operations have large animal populations restricted to small areas.

Conforming: A building, structure, use of land, or portion thereof, which complies with all the provisions of this Ordinance.

Congregate Housing: A multi-family development with central dining facilities serving functionally impaired persons.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air and water quality.

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

Day Care : Any dwelling, building, or portion thereof licensed by the Maine Department of Human Services.

Deck: An uncovered structure with a floor, elevated above ground level.

Decorative Changes: Repainting or re-siding; removing or replacing trim, railings, or other non-structural architectural details; or the addition, removal or change of location of windows and doors.

Deer Wintering Areas: Areas used by deer during the winter for protection from deep snows, cold winds, and low temperatures, as identified by the Maine Department of Inland Fisheries and Wildlife.

Demolition Waste Disposal: A facility including a landfill operated by a public, quasi-public, or private entity which purpose is to dispose of useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing, including by way of an example, and not by limitation to, rubbish, garbage, scrap metals, junk, refuse, inert material, landscape refuse, and demolition debris. The definition does not, however, include commercial hazardous waste disposal facilities or recycling of products.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Development: Any man-made changes to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore or road frontage, and height.

Direct Watershed: That portion of the watershed which does not first drain through an upstream lake.

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

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

Drive-Up Facility: An establishment that, by design of physical facilities or by service, encourages customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises while remaining in the vehicle. Such as, but not limited to, Automated Teller Machines (ATMs).

Driveway: A vehicular access-way less than five hundred (500) feet in length serving two (2) lots or less.

Duplex: (See: Two-Family Dwelling) A building containing two (2) dwelling units for occupation by not more than two (2) families.

Dwelling: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include mobile homes, but not recreational vehicles.

Single-Family Dwelling: A building containing only one (1) dwelling unit for occupation by not more than one (1) family.

Two-Family Dwelling: A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

Multi-Family Dwelling: A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another; with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing, but not recreational vehicles or hotel/motel units.

Easement: A right, such as a right-of-way, afforded a person to make limited use of another's real property.

Elderly Housing Complex: A dwelling complex for independent living that is occupied by a minimum of ten (10) persons, 62 years of age or older, and/or handicapped persons, as a residential living environment with other persons 62 years of age or older and/or handicapped persons.

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

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

Expansion of Use: The addition of weeks or months to a business operating season; the addition of hours to a business day; the use of more floor area or ground area; or the provision of additional seats or seating capacity.

Exterior Walls: Siding materials such as clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles, and shakes. This term shall also include masonry, wood board-and-batten, and "Texture 1-11" exterior plywood, but shall not include artificial masonry, or fake board-and-batten made from metal or plastic.

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

Farm Stand: A structure designed, arranged, or used for the display and sale of agricultural products primarily grown or produced on the premises upon which the stand is located. A farm stand may be located on premises that the products are not grown upon, provided such premise is owned by the operator.

Fence: Any artificially constructed barrier of any material, or combination thereof, erected to enclose or screen areas of land. To further distinguish types of fences: (a) a boundary fence encloses a parcel of property; and (b) a privacy fence blocks part or all of the property from the view of the neighbors. Privacy fences may be solid and taller than other types of fences.

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

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be recorded at the Aroostook County Registry of Deeds.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flashing Sign: Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying degrees of light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

Flood Insurance Rate Map: The official map on which the Dept. of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to Fort Fairfield.

Floodplain: The lands adjacent to a body of water which have been or may be covered by the base flood.

Floodplain Soils: The following soil series as described and identified by the SCS in the Soil Survey for Aroostook County, Maine:

Alluvial	Hadley	Medomak	Winooski

Floor Area, Gross: The sum, in square feet of the floor areas of all roofed portions of a building, as measured from the exterior faces of the exterior walls.

Floor Area, Net: The total of all floor areas of a building, excluding the following: stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and floors below the first or ground floor, except when used for human habitation or service to the public.

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

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller. (6 meters = 19.865 feet)

Forestry: The operation of timber tracks, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

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

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and are independent from any building or other structure.

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of ten (10) acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Frontage: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Frontage, Road: The horizontal distance, measured in a straight line, extending between the side lot lines and the road right-of-way.

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

Garage: An accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.

Gasoline Service Station: See: Automobile Service Station

Government Office: A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention, and entertainment facilities owned and/or operated by a government agency.

Gravel Pit: (See: Mineral Extraction)

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Group Home: A housing facility for mentally handicapped or developmentally disabled persons which is approved, authorized, certified, or licensed by the State. A group home may include a community living facility, foster home, or intermediate care facility.

Guest House: See: Inn.

Hazardous Waste: A waste substance or material, in any physical state, designated as hazardous by the MDEP Board under MRSA 38, Section 1303-A. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

Height of a Structure: See: Building Height

High Intensity Soil Survey: A soil Survey conducted by a Certified Soil Scientist, meeting the standards of the national Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to the subdivision plan submitted. The mapping units shall be the soil series, Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

Historic Site/Structure: Means any site or structure that is:

1. Listed individually in the national Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the national Register;

2. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary of the Interior to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (a) by an approved state program as determined by the Secretary of the Interior; or (b) directly by the Secretary of the Interior in states without approved programs.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Homeowners Association: A community association which is organized in a residential development in which individual owners share common interests in open space and/or facilities.

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel: A building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as news stands, personal grooming facilities and restaurants.

Impervious Surface Ratio: A measure of the intensity of the land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the lot. For the purpose of this Ordinance, impervious surfaces include buildings, structures, paved and gravel surfaces.

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

Industrial Park or Development: A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Industrial Use, Heavy: The use of real estate, building, or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging, or processing operations.

Industrial Use, Light: The use of real estate, building, or structure, or any portion thereof, which main processes involve the assembly of pre-fabricated parts and which will not create a nuisance by noise, smoke, vibration, odor, or appearance.

Inland Wetlands: Land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, and alluvial soils by the SCS in the Soil Survey for Aroostook County, Maine.

Inn: A building, which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. Inn includes such terms as guest house, lodging house and tourist house.

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

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

Kennel: Any place, building, tract of land, abode, enclosure, or vehicle where three (3) or more dogs or three (3) or more cats, owned singly or jointly are kept for any purpose, including but not limited to breeding, hunting, show, field trials or exhibition, or where one or more dog or other pet is kept for their owners in return for a fee. This definition shall not apply to dogs or cats under the age of six (6) months.

Laundry, Self-Serve: A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity manual, latest edition, published by the National Academy of Sciences, Transportation Research Board. There are six (6) levels of service

ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Livestock: Domestic animals kept or raised for use or profit, such as, but not limited to, cattle, horses, sheep, or pigs, that are typically kept outside of the home.

Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Ordinance, and having frontage upon a public street, right-of-way or private way.

Lot Area: The land area enclosed within the boundary lines of the lot not including the area of any land which is: part of a right of way for a thoroughfare or easement, such as, but not limited to, surface drainage easements or traveled rights of way (but not including any utility easement servicing that lot); or the land below the normal high-water line of a water body; or upland edge of a wetland; or which is a forested or freshwater wetland.

Lot, Corner: A lot with at least two (2) contiguous sides abutting upon a street or right of way.

Lot, Coverage: The percentage of the lot covered by all buildings.

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

Lot, Lines: The lines bounding a lot as defined below:

Front Lot Line: On an interior lot, the lot line abutting the street or right-of-way; or, on a corner lot each lot line abutting the street or right-of-way; or, on a through lot, the lot line abutting the street providing primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

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

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

Lot, Minimum Area: The required area within a district for a single lot or use.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file in the Aroostook County Registry of Deeds.

Lot, Shorefront: Any lot abutting a body of water.

Lot, Through: Any interior lot having frontages on two (2) or more parallel streets or rights of way, or lying between a street and a body of water, or a right of way and a body of water, or between two (2) bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights of way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

Lot Width, Minimum: The closest distance between the side lot lines of a lot.

Manufactured Housing Unit: 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 which 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 (2) types of manufactured housing are included. They are:

1. Newer Mobile Homes: Those units constructed after June 15, 1976, commonly called "newer mobile homes," which 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,

which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which 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 and electrical systems contained in the unit;

a. This term also includes any structure which 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, US Code, Title 42, Section 5401, et seq.; and

2. Modular Homes: Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, chapter 957, Section 9001 et seq., and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on permanent foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging, or processing operations.

Market Value: The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mechanized Recreation: Recreation activities which require the use of motors or engines for the operation of equipment or participation in the activity.

Mineral Exploration: The hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition. Mineral exploration shall not include testing for a quarry.

Mineral Extraction: Any operation within any twelve (12) successive month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

Mobile Home, Newer: See: Manufactured Housing Unit

Mobile Home Park: A plot of land designed and/or used to accommodate three (3) or more manufactured housing units.

Mobile Home Park Lot: The area of land on which an individual manufactured housing unit is situated on within a mobile home park and which is reserved for use by the occupants of that unit. The Town requires all lots to be indicated on the mobile home park plan.

Mobile Home Subdivision or Development: A parcel of land approved by the Planning Board under the Subdivision Ordinance of the Town of Fort Fairfield for the placement of a manufactured housing unit on individually owned lots.

Modular Home: See: Manufactured Housing Unit

Motel: A building or group of buildings in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building. Motel includes such terms as tourist cabins and tourist court. Any transient accommodations which does not meet the definitions of Bed and Breakfast, Hotel or Inn shall be deemed to be a motel for the purposes of this Ordinance.

Neighborhood "Convenience" Store: A store of less than 1,500 SF of floor space intended to service the convenience of a residential neighborhood with such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items.

Net Buildable Acreage: The total acreage available for a subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development.

Net (Residential) Density: The number of dwelling units per net residential area.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

Non-Conforming Lot of Record: A lot or pre-recorded lot shown on a plan or deed recorded prior to the effective date of this Ordinance or amendment which, does not meet the area, frontage, width or depth requirements of the District in which it is located.

Non-Conforming Sign: Any sign that does not conform to the requirements of this Ordinance.

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

Non-Conforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the District in which it is situated or which does not meet the performance standards prescribed for it by this Ordinance, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal High-Water Line of Waters: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In the case of wetlands adjacent to rivers and Great Ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water. In places where the shore or bank is of such character that the high water line cannot be easily determined (rock slides, ledges, rapidly eroding, or slumping banks) the normal high water line shall be estimated from places where it can be determined by the above method.

Nursing Home: Any facility which provides meals, lodging and nursing care for compensation.

100 Year Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

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

Ordinance: Any legislative action of the Town's legislative body which has the force of law, including but not limited to, any amendment or repeal of any ordinance.

Parking Space: An area on a lot intended for the use of temporary parking of a personal vehicle. Each parking space shall be nine feet by nineteen feet (9' X 19'), exclusive of drives or aisles for the parking of vehicles, and have a means of access to a public street.

Parks and Recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities, but not including campgrounds, commercial recreation and amusement centers as designed elsewhere in this Ordinance.

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

Patio: An uncovered floor, usually made of concrete, brick or other masonry material, which is not elevated above the surface of the ground in any manner.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string usually in series, designed to move in the wind.

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

1. A full, poured concrete or masonry foundation;
2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
3. A reinforced, floating concrete pad for which the Town may require an engineer's certification if it is to be placed on soil with high frost susceptibility;
4. At least 12 inches of compacted gravel;
5. At least 12 inches of crushed stones no larger than one inch in diameter; and
6. Any foundation which, pursuant to the building code of the Town, is permitted for other types of single-family dwellings.

Permanent Markers: The term "permanent marker" includes the following:

1. A granite monument;
2. A concrete monument;
3. A drill hole in ledge;
4. An iron pin; or
5. A steel bar no less than 1/2" in diameter and 3' in length.

Permitted Use: Uses which are listed as permitted uses in the various districts set forth in this Ordinance. The term shall not include prohibited uses.

Personal Property: Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Personal Services: A business which provides services but not goods such as, hairdressers, shoe repair, real estate, and insurance etc.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-water Line or Within a Wetland:

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Pitched, Shingled Roof: A roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other approved materials, but specifically excludes corrugated metal roofing material.

Planning Board: The Planning Board for the Town of Fort Fairfield.

Pond: See: Body of Water.

Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Prime Agricultural Land: Land that has been identified in the comprehensive plan that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oil-seed crops, and meets all of the criteria established by the US Department of Agriculture.

Principal Structure: The building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use: The primary use other than one which is wholly incidental or accessory to another use on the same premises.

Private Road: A private way meeting Fort Fairfield's road construction standards for preparation, sub-base, and base.

Professional Offices: The place of business for doctors, lawyers, accountants, architects, surveyors, psychiatrists, psychologists, counselors, but not including financial institutions or personal services.

Projecting Sign: Any sign affixed to a building or a wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of the building of such building or wall.

Public or Private Schools: Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: (a) the school is not operated for a profit or as a gainful business; (b) or the school teaches courses of study which are sufficient to qualify attendance in compliance with state compulsory education requirements.

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

Public Improvements: The furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified by the Planning Board.

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

Public Water System: A water supply system that provides water to at least fifteen (15) service connections or services water to at least 25 individuals daily for at least thirty (30) days a year.

Quarry: A place where stone is excavated from rock.

Recent Flood Plain Soils: See: Floodplain Soils

Reconstructed: The rebuilding of a road or section of a road to improve its serviceability.

Recording Plan: A copy of the Final Plan which is recorded at the Aroostook County Registry of Deeds.

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recycling Center: A building that is not a junkyard in which used materials, such as, but not limited to, newspaper, cardboard, magazines, glass, and metal cans, are separated and processed prior to shipment to others who will use these materials to manufacture new products.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed at the collection point.

Repair: To take necessary action to fix normal damage or storm damage.

Replacement System: A system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential Dwelling Unit: See: Dwelling Unit.

Residential Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this Ordinance.

Residential Use: Any land use which includes a dwelling unit used as a principal use.

Restaurant: An establishment where meals are prepared and served to the public for consumption for compensation.

Standard Restaurant: A business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the meal.

Fast Food Restaurant: A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.

Drive-In Restaurant: A business involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring shore amounts of time between the period or ordering and serving of the meal which is served in edible or disposable containers.

Resubdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

Retail Business: A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary sewer main, stormwater main, shade trees, or other auxiliary uses, either public or private, on which an irrevocable right-of-passage has been recorded for the use.

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

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

Road: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles, consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest point of the roof.

Satellite Receiving Dish: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include,

but not be limited to, what are commonly refereed to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Schools:

Public and Private - including Parochial School: An institution for education or instruction where any branch or branches of knowledge is imparted and which satisfied wither of the following requirements:

a. The school is not operated for a profit or a gainful business; or
b. The school teaches courses of study which are sufficient to qualify attendance there as in compliance with State compulsory education requirements.

Commercial School: An institutions which is commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

Seasonal Dwelling: A dwelling unit lived in for periods aggregating less than seven (7) months of the year and is not the principal residence of the owner.

Self-Service Storage Facility: A building or group of buildings in a controlled access and fenced compound that consists of individual, small, self-contained units that are leased or owned for the storage of customer's goods or wares.

Service Business: Establishments engaged in providing services for individuals and businesses such as, but not limited to, sundries, beauty shop, barbershop, advertising, bank, ATM, self service laundry, and equipment leasing.

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

1. In the case of electric service:

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

2. In the case of telephone service:

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

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

Setback from the Normal High-Water Line: The horizontal distance from the normal high water line to the nearest part of a structure.

SF: Square Feet.

Shopping Center: Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000·SF or more of gross floor area.

Shore Frontage: The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water line.

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

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in this Ordinance as a reference for unobstructed road visibility.

Sign: A display surface, fabric or device containing organized and related elements (letters, pictures, products, or sculptures) composed to form a single unit, designed to convey information visually and which is exposed to the public view. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval. May be used by the applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

Solid Waste: Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing.

Special Waste: Any non-hazardous waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, which may disrupt or impair effective waste management or threaten the public health, human safety, or the environment and requires special handling, transportation, and disposal procedures.

Stable, Private: An accessory building in which sheltered animals are kept for the use of the occupants of the premises and not for remuneration, hire, or sale.

Stable, Public: An accessory building in which sheltered animals are kept for the use of the occupants for remuneration, hire, sale, boarding, riding, or show.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river, or flows to another waterbody or wetland within a shoreland zone, or as depicted on the Official Fort Fairfield Zoning Map, or as further described in the applicable overlay district standards, whichever is applicable.

Street: An existing state, county, or Town way; a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds: or a street dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "street" shall not include those ways which have been discontinued or abandoned.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite receiving dishes, but in land areas outside of Shoreland Areas, including signs, sidewalks, fences, patios, driveways, and parking lots are not defined as structures.

Subdivision: The definition of a "Subdivision" is as follows. The division of a tract or parcel of land into 3 or more lots within any 5 year period that begins on or after September 23, 1971, whether accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" shall also include the division of any structure or structures on a tract or parcel of land into 3 or more commercial, industrial, or dwelling units or combination thereof within a 5 year period;

1. In determining whether a tract or parcel of land is divided into 3 or more lots within a 5 year period, the first dividing of the tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, unless otherwise exempted herein is considered to create a 3rd lot, unless:

TOWN OF FORT FAIRFIELD
P. O. Box 350
Fort Fairfield, ME 04742-0350

a. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence or for usable open space land as defined in Title 36, Section 1102, for a period of at least 5 years before the second dividing occurs; or

b. The division of the tract or parcel is otherwise exempt under this definition.

2. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Ordinance, do not become subject to this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

3. A lot of 40 or more acres shall not be counted as a lot for the purpose of this definition, except:

a. When the lot or parcel from which it was divided is located entirely or partly within any shoreland area as defined in MRSA, Title 38, §435, or the Town's Shoreland Zoning Ordinance; or

b. When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in MRSA, Title 38, §435, or a Town's Shoreland Zoning Ordinance.

4. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption or a gift to the Town of Fort Fairfield or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of that transferor in any transfer or gift within this paragraph is to avoid the objectives of this Section. If the real estate exempt under this paragraph by gift to a person related to the donor by blood, marriage, or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage, or adoption, then that exempt division creates a lot or lots for the purpose of this definition.

5. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

6. In determining the number of dwelling units in a structure, the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.

7. Nothing in this Ordinance may be construed to prevent the Town of Fort Fairfield from enacting an ordinance under its home rule authority which expands the definition of subdivision or which otherwise regulates land use activities.

8. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph 4, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.

9. For the purposes of this definition, a new structure or structures includes any structure for which construction began on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this Ordinance.

10. For the purposes of this definition, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Substantial Damage: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Expansion: Floorspace increase of 25 percent or new materials or processes not normally associated with the existing use. In shoreland areas, if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure.

Substantial Start/Construction: Following the issuance of a permit, completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost within one (1) year of the date of the permit.

Subsurface Sewage (Wastewater) Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under Title 38 MRSA §414, any surface wastewater disposal system licensed under Title 38 MRSA §413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in Title 38 MRSA Chapter 13, subchapter 1.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Swimming Pool: An outdoor man-made receptacle or excavation designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing, whether in the ground or above the ground and shall be set back 10' from any lot line.

Temporary Movable Sign: Any sign not permanently attached to the ground, a building, or other permanent structure by direct attachment to a rigid wall, frame, or structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; and balloons used as signs.

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

Town Officers: The Councilors of the Town of Fort Fairfield.

Town Official: Any elected or appointed member of the Town government of Fort Fairfield.

Tract, or Parcel, of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract, or parcel, of land unless such road was established by the owner of land on both sides thereof.

Trail: A route or path, other than a roadway, and related facilities, developed and used primarily for recreational or transportation activities, including but not limited to, hiking, walking, cross-country skiing, snowmobiling, horseback riding, bicycling, and dogsledding.

Travel Trailer: See: Recreational Vehicle

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

Undue Hardship: As used in this Ordinance the words "undue hardship" shall take its statutory definition and include all of the following:

1. That the land in question cannot yield a reasonable return unless a variance is granted. Such hardship may be found by the Board of Appeals as applied to the applicant's property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put; and
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
3. That the granting of a variance shall not alter the essential character of the locality; and
4. That the hardship is not the result of action taken by the applicant or a prior owner. Mere inconvenience to the property owner shall not satisfy this requirement. Financial hardship alone, personal hardship, or pleading that a greater profit may be realized from the applicant's property were a variance granted shall be sufficient evidence of unnecessary hardship.

A variance is not justified unless all elements are present in the case.

Upland Edge: The boundary between upland and wetland.

Use: The manner in which land or a structure is arranged, designed, or intended, or is occupied.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10 percent.

Variance: A variance is a relaxation of the terms of this Ordinance. Variances permissible are limited to dimensional and area requirements. No variance shall be granted for the establishment of any use otherwise prohibited, not shall a variance be granted because of the presence of nonconformities in the immediate or adjacent areas.

Vehicle Sales: Any business which involves a parking or display area for the sale of new or used cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, mobile homes, or similar products.

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations, The overnight boarding of healthy animals shall be considered a kennel.

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

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

Wall Sign: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Warehousing/Storage: The storage of goods, wares, and merchandise in a warehouse.

Water Body: Any great pond, river, stream, or brook.

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

Wetland: See: Freshwater Wetland or Forested Wetland

Window Sign: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes, or glass and is visible from the exterior of the window.

Wholesale Business: The use of land and/or buildings engaged in the selling of merchandise to retailers to industry, commercial, institutional, farm, or professional business users or other wholesalers as distinguished from the sale to the general public.

Yard: The area between a structure and the property boundary.