

**Town of South Thomaston, Maine
Land Use Ordinance**

PROPOSED ORDINANCE

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Section I TITLE

This ordinance shall be known as and may be cited as the "Land Use Ordinance of the Town of South Thomaston, Maine".

Section II PURPOSE AND ESTABLISHMENT OF DISTRICTS

A. Purpose

This Ordinance is designed for all the purposes of zoning embraced in the Maine Revised Statutes. It is designed to encourage use of land throughout the municipality in an appropriate manner as expressed in the Comprehensive Plan.

B. Establishment of Districts

For the purposes of this Ordinance, the Town of South Thomaston is hereby divided into the following districts:

Island District	Spruce Head Island
Village —1 District	Spruce Head Village
Village —2 <u>Extension</u> District	Keag Village
Rural - 1 District	
Rural - 2 District	

C. Land Use Maps

The above districts are shown on maps filed in the office of the Town Clerk. These maps are hereby made a part of this Ordinance (see Attachment A)

D. District Boundaries

1. Uncertainty of Boundaries - Where uncertainty exists with respect to the boundaries of the districts shown on the Land Use Map, the following rules shall apply:

- a) Boundaries indicated as following the center lines of streets or roads shall be construed to follow such center lines;
- b) Boundaries indicated as following lot lines shall be construed to follow such lot lines;
- c) Boundaries indicated as following municipal limits shall be construed to follow such limits;
- d) Boundaries indicated as following shorelines shall be construed to follow the normal high water line, and shall be construed to move with such high water line in the event of natural change to the shoreline. Boundaries indicated as following the center lines of streams, rivers, canals, or other water bodies shall be construed to follow such center lines;
- e) Boundaries indicated as being parallel to or extensions of features Indicated in paragraphs a) through d) above shall be so construed. Distances not indicated on the Land Use Map shall be determined from the scale of the

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map. Any conflict between the map and a metes and bounds description shall be resolved in favor of the description by metes and bounds.

- f) Where physical or cultural features existing on the ground are different from those shown on the Land Use Map, or where items in paragraphs a) through e) above are not clear, the Board of Appeals shall interpret the district boundaries.

2. Division of Lots by District Boundaries - Where a district boundary line divides a lot, the provisions applicable to the less restricted portion of the lot may be extended into the more restricted portion of the lot by not more than fifty feet.

E. Conflict with Other Ordinances

Wherever the requirements of this Ordinance differ from the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standard shall govern.

F. Separability

In the event that any section, subsection, or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such a decision shall not affect the validity of any other section or other portion of this Ordinance.

G. Effective Date, Amendments

This Ordinance shall be effective on the day following enactment or amendment by a majority vote at the Town Meeting. No amendment to this Ordinance shall be adopted until the Selectmen have held a public hearing at least ten days before it is submitted to the Town for consideration. Such amendments shall be considered following petition, recommendation of the Planning Board, or motion of the Selectmen. Petitioners are encouraged to work with and request assistance from the Planning Board so that proposed changes and amendments can be of greatest benefit to the citizens of South Thomaston. Petitioners shall be responsible for paying for all required advertisements and notifications.

Section III NONCONFORMANCE

Any lawful use of land, buildings, or structures, existing on the effective date of this Ordinance or amendments thereto, end not in conformance with the provisions of this Ordinance, shall be considered to be a nonconforming use. Such a "nonconforming use" may be maintained, improved and repaired, and may be conveyed to new owners without loss of its lawful, but nonconforming status, under the following provisions:

A. Separate Lots

In any district, single lots of record on the date of adoption or amendment of this Ordinance may be built upon or conveyed even though they do not conform to the minimum standards of this Ordinance. Such lots shall not be of contiguous frontage with other lots in the same ownership. No division of any lot may be made which leaves the lots area below the minimum requirements of this Ordinance, which worsens an existing nonconformance, or creates a new nonconforming lot.

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B. Contiguous Lots

If two or more contiguous lots, all or part of which do not meet the minimum requirements of this Ordinance, are in the same ownership of record on the date of adoption or amendment of this Ordinance, and if a structure exists on each lot, or if each lot was legally created and recorded before the adoption or amendment of this Ordinance, the nonconforming lots may be conveyed separately or together.

C. Vacant Contiguous Lots

If two or more vacant, contiguous lots, all or part of which do not meet the minimum requirements of this Ordinance, are in the same ownership of record on the date of adoption or amendment of this Ordinance, and if these lots do not individually meet the requirements of this Ordinance, the lots shall be combined to the extent necessary to meet the requirements, except: 1) where the contiguous lots front onto different streets; 2) where the lots abut only at a point; or 3) the lots were legally created and recorded in an approved subdivision plan.

D. Abandonment

If any nonconforming use is abandoned for any reason for a period of eighteen months or more, any subsequent use shall conform to the requirements of this Ordinance.

E. Change In Use

A nonconforming use may not be changed to another nonconforming use. Whenever a nonconforming use is changed to a permitted use or a use permitted by special exception, the use shall not later revert to nonconforming status, except by further amendment of this Ordinance.

F. Expansion of Use or Structure

A nonconforming use, including a nonconforming outdoor use of land, shall not be extended or expanded in area or function beyond the boundaries of land in the same ownership on the date of adoption or amendment of this Ordinance. Any addition to a non-conforming building or structure shall comply with the provisions of this Ordinance and if applicable the Shore Land Zoning Ordinance.

Section IV ADMINISTRATION

A. Applications and Permits Issued

No building or other structure in excess of 100 square feet of ground coverage shall be erected, moved, added to, or structurally altered without a Building Permit Issued by the Code Enforcement Officer. No on-site construction activity shall occur prior to issuance of a Building Permit. No change or resumption of any use requiring a Building Permit shall occur prior to issuance of a Building Permit. No Building Permit shall be issued except in conformity with the provisions of this Ordinance. No Building Permit shall be required for clearing to allow surveys and soil tests, and excavating for soil tests.

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A fee schedule for building and use permits shall be established by the Selectmen.

1. Applications. All applications for Permits shall be in writing on forms provided by the Code Enforcement Officer. The permit applications may be updated by the CEO and attached to this document for convenience (see Attachment B). All applications for Building Permits shall include the location and dimensions of the proposed building or alteration and, as applicable, the proposed sewage disposal system as certified by a registered civil engineer or a plumbing inspector appointed by the Town. The application shall include any information lawfully required by the Code Enforcement Officer to determine conformance with this Ordinance; including, but not limited to:

(a) name, address and contact information, including a phone number of the applicant and all other persons having a legal interest in the property, and, when applicable, individual(s) hired by the applicant to manage or control such property;

(b) the location of the premises for which a permit is sought by identification of town tax map number and street address;

(c) the dimensions and acreage of the property;

(d) the identification of any other approvals required by the Town of South Thomaston, by any state or federal agency or department, if any;

(e) a copy of a site plan, drawn to a scale of approved by the Code Enforcement Officer, which identifies the boundary lines of the property for which a permit is sought;

(f) the location of all existing and proposed buildings, structures and uses;

(g) when applicable (see *Conditional Use*), the location of all existing and proposed parking areas and walkways and any other site improvements;

(h) the location and characteristics of all existing and proposed vegetation and or fencing to be maintained for screening, when required (see *Conditional Use*);

(i) when applicable (see *Conditional Use*), a site location map at a scale approved by the Code Enforcement Officer showing all adjoining residential uses and any schools, churches, cemeteries, family day care homes, small day care facilities, day care centers and public parks and play grounds; the location and characteristics of all vehicular entrances and exits serving the property;

(j) a nonrefundable application fee in accordance with the Town's fee schedule and an **original and, if required for Planning Board review, eight (8) copies of the permit application, and all supporting documentation.**

2. Soils. Plumbing Permit. In all districts, no Building Permit for any building or structure which requires any form of plumbing, shall be issued until the applicant, or his

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agent, has secured a satisfactory soil analysis test and/or a Plumbing Permit in accordance with the State Plumbing Code.

3. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Code Enforcement Officer shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make a complete application. All permits shall be either approved or denied in writing within 35 days of receiving a completed application including all information requested. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance and any other applicable ordinances. Permits may be issued subject to reasonable conditions to ensure conformity with the purposes and provisions of this Ordinance. If a permit is denied, the reasons for the denial shall be stated in writing. An appeal to the Board of Appeals from an approval or denial of a permit shall be made within 30 days of the approval or denial.

a. Permits issued by the Code Enforcement Officer. The Code Enforcement Officer shall approve or deny those completed applications on which he/she is empowered to act. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance or any other ordinance.

b. Permits issued by the Planning Board. The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board shall grant a permit, if it makes a positive finding based on the information presented to it that, except as specifically exempted in this Ordinance, the proposed use meets all conditions, and is in conformance with the provisions of this Ordinance and all other ordinances.

4. Expiration. The permit shall be valid for a period of one year from the date of issuance and shall expire if the proposed activity is not started. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire. To start construction is to place forms for a foundation, or to begin erection or assembly of an addition, building or structure on the site. An extension of time to start construction shall be granted upon application to and approval by the permit issuing authority for reasonable cause.

B. Code Enforcement Officer.

The Code Enforcement Officer shall report to the Planning Board at all Planning Board meetings, all applications and permits issued and any notifications of violations issued. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and specifying the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, structures, additions, or work being done, or shall take any other actions authorized by this Ordinance to insure compliance with or to prevent violation of its

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provisions. A copy of such notices shall be maintained by the Code Enforcement Officer as a permanent record.

C. Legal Actions and Violations.

When any violation of any provision of this Ordinance shall be found to exist, the Selectmen upon their own Initiative or upon notice from the Code Enforcement Officer or Planning Board, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable including seeking injunctions of violations and impositions of penalties, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of South Thomaston.

D. Penalties.

The penalties for violations of this Ordinance shall be as follows:

1. The minimum penalty for starting construction or undertaking land use activity without the required permit shall be \$100.00 and the maximum penalty shall be \$2500.00.
2. The minimum penalty for any other specific violation shall be \$100.00 and the maximum penalty shall be \$2500.00.
3. In addition, violators may be ordered to correct or abate the violation.

In all other respects, assessment of penalties under this Ordinance shall be in accordance with Title 38 MRSA, Section 429 and Title 30 MRSA, Section 4966. Each day a violation continues may be counted as a separate offense. Assessment of penalties shall commence on the date of issuance of a Notice of Violation signed by the Code Enforcement Officer and/or Selectmen to the person in violation of this Ordinance. Return of the receipt indicating that the notice was undeliverable as addressed or otherwise not delivered to the person shall not in any respect Invalidate enforcement of this Ordinance or any penalties for violation thereof. In addition to the penalties provided herein, the Town may bring action in Superior Court to enjoin violation of this Ordinance and for such other relief as the law may provide. The Selectboard will periodically establish and publish a Schedule of Fees and Fines which will be attached to this document for convenience (see Attachment D).

E. Appeals

If the Code Enforcement Officer or Planning Board disapproves an application, or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Code Enforcement Officer or Planning Board in writing to the Board of Appeals within 30 days of the decision.

The Board of Appeals shall hold a public hearing and an appellate review (see MRSA Title 30-A, paragraph 2691 or as amended), within 30 days of the appeal. Within 45 days after the hearing, or within such time as may be mutually agreed to, the board of Appeals shall issue a decision.

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The Board of Appeals may amend the Code Enforcement Officer's or Planning Board's decision only upon the finding that there has been an error in administrative procedures, or an error in interpretation of the ordinance, or that the information provided to the Code Enforcement Officer or Planning Board was erroneous or incomplete. The case shall continue as follows:

1. If the Board of Appeals finds errors in administrative procedure, the case shall be referred back to the Officer or Board for rectification.
2. If the Board of Appeals finds errors of interpretation, the Board of Appeals may modify the interpretation or reverse the order of the Code Enforcement Officer or Planning Board but may not alter the conditions attached by the Planning Board. The case shall be referred back to the Code Enforcement Officer or Planning Board for rectification and changes in conditions shall be made by the Planning Board in accordance with the Board of Appeals' interpretation.
3. If the Board of Appeals finds errors or omissions in information leading to the decision of the Code Enforcement Officer or Planning Board, the case shall be referred back to the Officer or Board for rectification.

An appeal may be taken within 30 days after any decision is rendered by the Board of Appeals by any party, including the Planning Board, to Superior Court, in accordance with State law.

F. Conditional Uses

A building, structure or lot of land may be employed for a Conditional Use if the Use is specifically allowed in the district in which the use is proposed; if the building, structure or lot of land meets all required conditions and if a Conditional Permit is approved by the Planning Board. The Planning Board will periodically create/update a template (or checklist) for use in this review which will be attached to this document for convenience (see Attachment C).

1. **Application for Conditional Use Permit.** Application shall be made to the Code Enforcement Officer on forms provided for the purpose, accompanied by such fee as may be established by the Town. The applicant shall:
 - a) Clearly specify the location of the proposed use, including street address, tax map and lot number, and a location map at a scale no smaller than the tax map;
 - b) Describe the exact nature of the proposed use;
 - c) Submit such other information as will enable the Planning Board to determine that the standards for approval of a Conditional Use Permit have been met.

2. **Additional Conditions.** The Planning Board may, in order to carry out the purposes of the Conditional Use procedure, require additional conditions, specifications, criteria, and standards necessary to protect the public interest and to fit such uses harmoniously and compatibly into their neighborhoods and locations. Such conditions may include, but are not limited to:

- (a) increased setbacks;

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(b) specified water supplies or sewage disposal facilities, as well as the impact of the use on the quality and quantity of groundwater available to abutting properties, is comparable to that for surrounding uses, and the capacity of sewerage and water supply systems is adequate to accommodate the proposed use and, where applicable, the capacity of the storm drainage system is adequate to accommodate the proposed use;

(c) type of vegetation, landscaping, planting screens, installation and maintenance of effective opaque fencing and to provide visual screening at least six feet in height to be located along side and rear property lines that abut properties in residential use;

(d) periods and methods of operation, including types of services provided, clientele and populations to be served, staffing requirements, security provisions, hours of operation, anticipated parking demand and peak hour traffic; lighting; signs, markings and advertisement; the generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances in comparison to that generated by surrounding uses; that the proposed onsite use shall not be of a character as to have significant adverse impact upon the value or quiet possession of surrounding properties.

(e) routing of traffic, to include vehicular and pedestrian access and circulation to, from, into and within the site that will be safe and no public way will be overburdened or made hazardous as a result of the new use of and or development of the property; that vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development as certified by a licensed traffic engineer; and that topography of the site shall permit the construction of all driveways, entrances or proposed streets to meet the standards set forth in the South Thomaston Land Use Ordinance or applicable State of Maine standards;

(f) professional and safe operation consistent with the proposed use, including: provision of documentation and receipt of all approvals and licenses required by any and all government agencies of competent jurisdiction; that adequate facilities are present to assure the safety of pedestrians passing by or through the site; that municipal or other facilities serving the proposed use will not be overburdened or made hazardous; and the ability of the fire department to provide necessary protection services to the site and development is adequate;

(g) the size and character of proposed use is reasonably comparable to the size of surrounding uses; and unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, do not aggravate or cause adverse impacts upon surrounding properties;

(h) maintenance and inspection of sewage disposal facilities;

(i) and other required performance guarantees as specified in the application review process.

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Such conditions imposed, and the reasons therefore, shall be written as part of those permits issued by the Planning Board which may involve additional conditions.

3. Procedure. The Planning Board shall follow the following procedure in considering Conditional Use: A quorum of at least three members shall be present to consider a Conditional Use. The secretary of the Board shall maintain a record of all meetings, including a transcript, if any, and exhibits or documents submitted regarding Conditional Uses, which shall be a public record. The Board may receive oral or documentary evidence regarding the requested Conditional Use; each party having the right to submit rebuttal evidence, conduct cross-examination and to be represented by legal counsel. Notice of any decision shall be mailed to the applicant and the Code Enforcement Officer within seven days of the decision.

4. Duration of Conditional Use Permits. Provided all conditions and standards of approval are met, a Conditional Use Permit shall be a permanent grant of permission and shall "run with the land".

G. Variances

1. Application. Application for a variance from specifications in this Ordinance is to be made to the Board of Appeals, following the requirements for Conditional Uses.

2. Procedure. The Board of Appeals shall follow the procedures set forth in MRSA Title 30, §2411, "Board of Appeals".

3. Variances Limited. A variance may be granted only for dimensional requirements. A use not allowed in a district may not be granted by variance. Furthermore, the applicant must show that the strict application of the terms of this Ordinance would create an undue hardship on the applicant. The term "undue hardship" shall mean:

- a) That the land in question cannot yield a reasonable return unless a variance is granted;
- b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- c) That the granting of a variance will not alter the essential character of the locality;
- d) That the hardship is not the result of action taken by the applicant or a prior owner.

Before granting any variance, the Board of Appeals may refer the application to the Planning Board for an informational report concerning the effect of the request on the surrounding area and any other pertinent data in respect of the Comprehensive Plan of South Thomaston.

4. Duration of Variance. A Variance Permit shall be a permanent grant of permission and shall "run with the land".

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Section V DISTRICTS

A. General

Land uses and activities involving minimal structural improvements or alteration of the land are allowed in all districts and shall not, unless specifically required by this Ordinance, require permits from the Code Enforcement Officer. These activities include, but are not limited to: hiking, hunting, snowmobiling, harvesting of wild crops, wildlife management and observation, fire prevention activities, surveying, mineral exploration, trail construction and maintenance, emergency operations, home maintenance and gardening. Such activities shall conform to applicable state and federal laws and regulations.

1. District Definitions

- Villages -- Spruce Head, Spruce Head Village and Keag Village (including specific areas abutting the old Village area)
- Village Extension -- Village areas designated for multifamily, affordable housing on smaller lots
- Rural -1 -- least restrictive
- Rural -2 -- rural, agricultural, open space
- Shoreland -- there is a separate Shoreland Zoning Ordinance. Any use within the Shoreland Districts shall, conform to the standards of the Shoreland Zoning Ordinance.

2. Purposes of Districts

Villages District

This district is to establish and preserve residential village areas while encouraging continued low impact mixed use businesses following traditional development patterns and maintaining historic characteristics.

Village Extension (VE) District

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This district is to promote affordable housing near existing village areas by allowing development on smaller lots.

Rural - 1 District

This is the least restrictive district to allow for moderate income housing and a variety of land uses, but discourages high-density large-scale suburban type development.

Rural - 2 District

This district is meant to preserve the rural/agricultural character, the sweeping beauty and coastal heritage of South Thomaston. Allows lower density residential development, conservation and open space subdivisions.

B. Table of Land Uses

Key

YES = Use Allowed, No Permit Required
BPCEO = Use Allowed, Permit Required (issued by Code Enforcement Officer)

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SEPB = Use Allowed by ~~Special Exception~~ with conditions
(granted by the Planning Board)
NO = Use Prohibited

Note: All land uses not allowed by this Ordinance are prohibited.

District Use	Island	V-4	<u>VE--2</u>	R - 1	R - 2
Accessory Use or Structure	<u>BP</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>
Additions (in excess of 100 square feet ground coverage)	<u>BP</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>
Agricultural Land Management	<u>YES</u>	YES	YES	YES	YES
Bed and Breakfast, Tourist Home	<u>SE</u>	<u>SEPB</u>	<u>SEPB</u>	<u>SEPB</u>	<u>SEPB</u>
Campground	<u>NO</u>	NO	NO	<u>SEPB</u>	<u>SEPB</u>
<u>Campsites (individual/private)</u>		<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
Cemetery	<u>YES</u>	YES	YES	YES	YES
Church	<u>BP</u>	<u>BPCEO</u>	<u>CEOBP</u>	<u>BPCEO</u>	<u>CEOBP</u>
Commercial	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
<u>Less than 10,000 sq. ft.</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Greater than 10,000 sq. ft.</u>		<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>
Day Care Center	<u>SE</u>	<u>SEPB</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>
Forest Management	<u>YES</u>	YES	YES	YES	YES
Home Occupation	<u>BP</u>	<u>PBBP</u>	<u>PBBP</u>	<u>PBBP</u>	<u>PBBP</u>
Industrial Uses	<u>NO</u>	NO	NO	<u>PBSE</u>	NO
Inn, Lodge, Motel	<u>NO</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>
Institutional Uses	<u>SE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>
Junkyard or Automobile Graveyard	<u>NO</u>	NO	NO	<u>PBSE</u>	NO
Manufactured Home	<u>BP</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>
Marine-Oriented Use	<u>SE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>
Mobile Home	<u>BP</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>
<u>Mobile Home Park</u>		<u>NO</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>
Multi-family Dwelling	<u>NO</u>	NO	<u>NOPB</u>	<u>SEPB</u>	<u>SEPB</u>
Municipal Use	<u>BP</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>
Medical Facilities Other Than <u>Professional Office Use</u>	<u>NO</u>	NO	NO	<u>SEPB</u>	NO
Outpatient Addiction Treatment <u>Clinics</u>	<u>NO</u>	NO	NO	<u>SEPB</u>	NO
Professional Office	<u>SE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>
Public Utility	<u>SE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>
Recreation (non-commercial)	<u>SE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>
Restaurant	<u>SE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>
School, Public or Private	<u>SE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>	<u>PBSE</u>
Single Family Dwelling	<u>BP</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>
<u>Solar Energy System:</u>		<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>
<u>Large Scale Solar Energy System</u>					
<u>Small Scale Solar Energy System</u>		YES	YES	YES	YES
Two Family Dwelling	<u>BP</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>	<u>BPCEO</u>
<u>-Uses similar to allowed Uses</u>		<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>Uses similar to uses requiring a CEO permit</u>		<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
		<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>

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Uses similar to uses requiring a PB permit

C. Table of Dimensions

District Dimension	Island	V-1	VE-2	R - 1	R - 2
Minimum Lot Area Per Dwelling Unit	1 ACRE	1 ACRE	1/2 ACRE	1 ACRE	1 ACRE

~~Note: The CEO may issue a permit for a second dwelling unit (such as a “mother-in-law” area) if existing constraints in Maine State Statutes and the town’s Shoreland Zone Ordinance can be met; such as 30,000 square feet (.60 acres)/dwelling unit in the Shoreland Zone, 20,000 square feet (.46 acres)/dwelling unit outside of the Shoreland Zone, minimum water frontage/dwelling unit requirements in accordance with State Law and a successful septic-system review by the town’s LPI. (This exception to the above District Dimension requirements does not otherwise change lot size requirements.)~~

Properties with multiple Uses must comply with the most restrictive lot size.

Industrial Uses				3 ACRES	
Campgrounds				3 ACRES	3 ACRES
All Other Non-Residential Uses	1 ACRE	1 ACRE	1 ACRE	1 ACRE	1 ACRE

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Maximum Building Height (Feet)

Residential	35	35	35	35	35
Commercial/Industrial/Agricultural	50	50	50	50	50

Building Height is the vertical measurement from a point on the ground at the mean finished grade adjoining the foundation as calculated by averaging the highest and lowest points around the building or structure, to the highest point of the building or structure, excluding incidental protrusions such as chimneys, ventilators, antennas and flagpoles.

Corner Clearance (Feet)	40	40	40	40	40
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Corner Clearance for purposes of traffic safety, shall apply to all intersections of public roads with private roads or driveways. No structure other than a mailbox may be located, nor may any vegetation, other than deciduous shade trees, be maintained above the height of three feet above street level within forty feet of the center of the intersection.

Section VI GENERAL PERFORMANCE STANDARDS

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A. Purpose

The standards contained in this Section are intended to allow various uses to be accommodated without detriment to neighboring uses and properties.

B. Campgrounds:

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. 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.

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility service buildings shall be set back a minimum of seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

C. Campsites (individual/private):

Individual private campsites not associated with campgrounds are allowed for temporary habitation, provided the following conditions are met (note: recreational vehicles, tents or similar shelters stored or parked and **not normally used for habitation** (less than 5 consecutive days) is not restricted by this ordinance):

(1) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

(2) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

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

C.D. Lighting:

All exterior lighting shall be shielded to prevent direct glare on adjoining residential property or public rights of way.

D.E. Industrial Uses:

All outdoor storage of materials, products or vehicles shall be screened from view from adjacent residential lots.

E.F. Off-Street Parking and Loading Standards:

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1. Applicability. For all new construction, additions and changes of use, there shall be provided off-street parking and loading space adequate for their use, according to the following standards.

2. Standards. No off-street parking lot shall have more than two entrances on the same street. Parking lots with more than four spaces shall be arranged so that vehicles can be turned around within such area and are prevented from backing into the street.

Use	Number of Spaces Required
Any Land Use	Sufficient parking spaces, as determined by the Code Enforcement Officer or the Planning Board, to eliminate the necessity of on-street parking.
Any Use Requiring Loading Bays for Trucks, Trailers or Containers	Sufficient loading bays so arranged that no truck, trailer or container need be loaded or stored so as to obstruct a public way

F.G Location Criteria and Public Safety Standards for Outpatient Addiction Treatment Clinics

Applicants for a permit pursuant to Section IV, Subsection G., and this subsection, must demonstrate to the satisfaction of the Planning Board that all the standards contained in this Ordinance, and set forth as additional conditions, are met. No clinic may be located within 1,000 feet of any church, cemetery, school, family day care home, day care center, or public park or playground. A minimum of two meetings per calendar year shall be conducted at the clinic with the applicant, the Code Enforcement Officer, the Sheriff of Knox County and the Chief of the Maine State Police and or their designee, in order to establish and maintain professional cooperation.

Section VII DEFINITIONS

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural, and vice versa.

Abutting Property: Any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across a public street or way from the lot in question.

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

Agricultural Land Management: Those devices and procedures utilized in the cultivation of land to further crop, silvicultural and livestock production.

Automobile Graveyard: A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 1010,

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subsection 42, or parts of the vehicles. This includes an area used for automobile dismantling, salvage and recycling operations.

- A. "Automobile graveyard" does not include:
- a. An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;
 - b. An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist's activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist to comply with the screening requirements in section 3754-A, subsection 1, paragraph A and the standards in sections 3754-A, subsection 5, paragraph B, subsection (1) and paragraph C. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;
 - c. An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;
 - d. An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, chapter 5;
 - e. An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, section 851;
 - f. An area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, section 851;
 - g. An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or
 - h. An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

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Bed and Breakfast, Tourist Home: An owner-occupied residential structure in which no more than six sleeping rooms are made available for a fee to overnight travelers and which may provide guests with a morning meal.

Building: Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind. A building shall include a multi-family dwelling.

Campground: An area devoted to overnight recreational or educational use, where the land area is divided into lots or sites for which a charge is made; either on a short or long term basis by sale, rent, lease or condominium type of financing.

Campites (individual/private): 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 a gravel pad, parking area, fire place, or tent platform.

Church: Any place of worship, regardless of denomination.

Commercial Use: The use of lands, buildings or structures, other than a “home occupation”, defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. This Use includes Small Scale Solar Energy Systems used for commercial purposes.

Community Living Arrangement: A housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified by the State. A community living arrangement may include a group home, foster home or immediate care facility. “Disability” has the same meaning as the term “handicap”. A community living arrangement is deemed a single-family use of property for the purposes of zoning.

Comprehensive Plan: Any part of the overall plan or policy for the development of the town.

Day Care Center: A state-licensed facility for the daytime care or instruction of more than three pre-school or school aged children, exclusive of children who are residents of the home.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking area, roads and other areas not revegetated.

Driveway: A private vehicular entrance from a road or right-of-way.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, cooking and eating.

Elderly Congregate Housing: A type of multi-family dwelling, including multiple individual rooms or dwelling units to be occupied by elderly persons as a residential shared living environment. Such housing will normally include small individual apartments, shared community and dining facilities, housekeeping and personal services, and specialized services such as medical support services and physical therapy.

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Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding home, rooming house, or motel

Family Day Care Home: means child care for three to 12 children under 13 years of age (not related by blood or marriage to, or legal wards of, the operator or foster children living in the private family residence; i.e., dwelling unit, serving as the day care home) who are unattended by parents or guardians for any part of the day. A family day care home shall be operated by a person who is domiciled and a resident within the private family residence, and who is the holder of all necessary licenses and permits from the State of Maine and/or the Town of South Thomaston.

Forest Management: Timber cruising and other forest resource evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands and other similar associated activities, but not the construction or creation of roads.

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.

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

Inn, Lodge, Motel: A building or group of buildings designed and equipped for use as temporary living quarters which may include provisions for living space, cooking, eating and bathing.

Institutional: A building used for some public, governmental, educational, charitable, medical or other similar purpose.

Junkyard: A yard, field or other outside area used to store, dismantle or otherwise handle:

- a) Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances and furniture;
- b) Discarded, scrap and junked lumber; or
- c) Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

Manufactured Home: A residential dwelling unit designed for transportation, after fabrication, in two or more units, by truck or trailer, on streets or highways, to the site where it is to be located on a slab or other foundation and which is, after joining of the units, placement on the foundation, and connection of utilities, complete and ready for occupancy.

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Marine-Oriented Use: Any non-residential use requiring or substantially benefiting from location on, over or directly adjacent to tidal waters, including, but not limited to: marinas, boat and ship yards, marine related retail and service establishments, launching ramps and facilities, wharves, piers, dealers in sea foods, and aquacultural facilities.

Mobile Home: A detached residential dwelling unit designed for transportation, after fabrication, in one or more units, each on its own chassis, on streets or highways, to the site where it is to be located on a slab or other foundation and which is, after joining of the units, placement on the foundation, and connection of utilities, complete and ready for occupancy.

Mobile Home Park. "Mobile home park" means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate 2 or more mobile homes.

Municipal Use: A use of land, structure or building owned or controlled by the Town of South Thomaston or any district, agency or commission thereof, which serves a public purpose.

Outpatient Addiction Treatment Clinic: means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including, but not limited to gambling addiction, alcohol or controlled substance addictions. This includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

Parking Space: An area not less than nine feet wide and eighteen feet long, not including the access thereto, accessible from streets, and usable for the storage or parking of passenger vehicles. A parking space to accommodate the handicapped shall be an area not less than twelve feet wide and eighteen feet long. A parking space may be on an open lot or within a building.

Professional Office: Any building which houses the business office of a person or persons who supply a service to the public.

Public Park or Playground: means an area of land or ground, whether enclosed or not, set aside for pleasure, historical markers and monuments, child-play and/ or recreation of the public.

Public Utility: Those essential, public services, such as, but not limited to, water, electricity, telephone, gas and transportation, whether publicly or privately owned, which are regulated by the Maine Public Utilities Commission, the Maine Department of Transportation, or the Federal Communications Commission. The provisions of this Ordinance shall apply to those buildings and structures located outside of public rights of way, but shall not apply to those facilities, either above or below ground, lying wholly within public rights of way.

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Recreation: Non-commercially operated recreational 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 lands and facilities, but not including campgrounds.

Restaurant: A place for the serving of prepared food and beverages to the public. Restaurant shall not include a "fast food" restaurant serving primarily pre-prepared foods served over the counter or at a drive-up window for consumption off the premises.

School, Public or Private: A place or institution for teaching and learning, which teaches courses of study.

Solar Energy System: A facility whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

A. Large Scale Solar Energy System: for purposes of this Ordinance: a solar energy system that has a physical size based on total airspace projected over the ground greater than 20,000 square feet; and is structurally attached to the ground.

B. Small Scale Solar Energy System: for purposes of this Ordinance: (a) a solar energy system that has a physical size based on total airspace projected over the ground smaller than 20,000 square feet, or (b) is structurally attached to the roof of an existing or newly constructed building.

Structure: Anything constructed or erected with a fixed location on or in the ground,