# Zoning Ordinance
# City of Eastport

**Adopted: 12/12/77**

**Amended: 12/12/91, 12/02/96, 02/03/97, 07/06/98, 10/16/00, 01/08/01, 05/13/02, 09/09/02, 07/14/03, 10/06/03, 10/20/03, 01/12/04, 05/10/04, 11/08/04, 12/13/04, 2/14/05, 02/22/06, 07/09/07, 05/11/09, 08/10/09, 04/12/10, 08/13/10, 03/14/12, 10/10/12, 12/12/12, 9/11/13, 11/13/13, 12/11/13, 2/12/14, 9/10/14, 5/21/15, 6/10/15**

# ZONING ORDINANCE
# OF THE
# CITY OF EASTPORT, MAINE

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# ZONING ORDINANCE OF THE CITY OF EASTPORT, MAINE

## ARTICLE 1 - PREAMBLE

### 1.1 Title

This ordinance and the accompanying official zoning map shall be known and cited as the *"Zoning Ordinance, of the City of Eastport, Maine."*

### 1.2 Authority

This ordinance has been prepared in accordance with the provisions of *"Title 38, Sections 435-449 of the Maine Revised Statutes Annotated (MRSA) as amended."*

### 1.3 Purposes

The Purposes of this ordinance are to further the maintenance of safe and healthful conditions; to protect commercial fishing and maritime industries; to foster resource based economic development; to control building sites, placement of structures and uses; to protect significant fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to prevent and control water pollution; to protect coastal wetlands; to conserve shore cover and points of access to coastal waters; to conserve natural beauty; to provide open space; and to anticipate and respond to the impacts of development.

### 1.4 Jurisdiction

The provisions of this ordinance shall govern - all land and all structures within the boundaries of the City of Eastport, Maine. This Ordinance also applies to any structure built in, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland.

### 1.5 Effective Date

The effective date of this ordinance is December 22, 1977. Amendments to this Ordinance which relate to the Shoreland Zone were adopted by the City Council on December 12, 1991 and approved by the Department of Environmental Protection on January 9, 1992. This revision has been enacted for purposes of computerization and rationalization of a numbering system by the City Council, February 3, 1997.

## 1.6 Availability

A certified copy of this ordinance shall be filed at City Hall 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.

## 1.7 Validity And Severability

If any section or provision of this ordinance is declared by the Courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

## 1.8 Conflicts With Other Ordinances

This Ordinance shall not annul or in any way remove the necessity of compliance with any other rule, regulation, by-law, permit, or other Provision of law. Where this ordinance imposes a greater restriction upon the use of land, buildings or structures, the provisions of this Ordinance shall control.

## 1.9 How To Use This Ordinance

If any person or organization plans to erect a building, or alter, expand, or demolish an existing building, or subdivide a parcel of land, or begin a new kind of use for a building or parcel of land, the provisions of this Ordinance must be followed. The basic procedure for using this Ordinance and securing a building permit or other permit are as follows:

**1.9.1** Go to the office of the Code Enforcement Officer at the Eastport City Hall and check the official Zoning Map. Find out which Zoning District the property is located in.

**1.9.2** Consult *"Section 5 of the Zoning ordinance District Requirements."* Read the requirements for the district in which the property is located. Also consult "Section 6 - Performance Standards" for any additional requirements that may pertain to the intended construction or use. *"Section 2 - Definitions" may* also be helpful.

**1.9.3** Ask the Code Enforcement Officer for help in interpreting these basic provisions.

**1.9.4** If the intended use is a permitted use in the particular district, fill out a building permit application and submit it to the CEO together with any plans and documents that may be necessary. The CEO will act on application within seven days.

**1.9.5** If the CEO denies the application, the applicant may wish to appeal this decision to the Board of Appeals. Review *"Section 8 of the Zoning Ordinance - Board of Appeals"* and fill out an application for an appeal.

**1.9.6** If the intended use is listed as a *"special exception"* use in non-shoreland districts, the applicant must fill out a special exception permit application and submit it to the Board of Appeals.

**1.9.7** If the intended use is in the Flood Zone, the provisions of the *"Eastport Flood Zone Ordinance"* must be met.

**1.9.8** If the intended use is a special exception use in the Shoreland zone, or involves the moving of more than ten cubic yards of earth in the shoreland zone for other than normal building purposes, or is in an Historic District, the applicant should review the applicable sections of the Zoning Ordinance and then submit an application for a special permit to the Planning Board or the Historic Review Committee.

**1.9.9** If the intended use involves the subdivision of land or buildings, the provisions of the Eastport *"Planning Board Sub-Division Standards"* must be met.

**1.9.10** The Planning Board or Board of Appeals, when approving special exception uses, may require certain special conditions relating to the site plan, building design, parking, safety standards, etc. The applicant must comply with these conditions.

**1.9.11** If the intended use is not listed as a permitted use or a special exception use for the particular district, or is not judged by the Board of Appeals to be similar in character to permitted or special exception uses, then that use will not be permitted under the provisions of this Ordinance. In this case, the applicant's only recourse is to apply for rezoning. See *"Section 8 Change of Zoning District."*

**1.9.12** All communications relating to applications and/or appeals should be made in writing.

# ARTICLE 2 - DEFINITION OF TERMS USED IN THIS ORDINANCE

In this ordinance, certain words shall be interpreted as follows: the word person includes groups such as a firm, association, partnership, company, or corporation as well as an individual; the word *shall* is mandatory; the word *may* is permissive. Terms not defined shall have the customary dictionary meaning.

**Accessory structure or use** - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot.

**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 greenhouse products. Agriculture does not include forest management and timber harvesting activities.

**Aggrieved party** - the 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.

**Aquaculture** - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Automobile graveyard or junkyard** - a yard, field or other area occupied by three or more unserviceable, inoperative, discarded, worn-out or junked motor vehicles; or occupied by auto bodies, engines, or other parts sufficient in bulk to equal two or more motor vehicles.

**Campgrounds** - any area or tract of land to accommodate two or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Coastal wetlands** - all tidal and sub-tidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Survey.

**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.

**Community facility** - a building or structure that is operated and maintained by the City or by a community or non-profit organization and that is available for use by the general public.

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

**Domestic animals** - small animals generally kept as pets (dogs, cats, birds, etc). Not included are large animals (horses. cattle, etc), nor exotic animals which may be dangerous to others.

**Driveway** - a vehicular access-way less than five hundred feet in length serving two lots or less.

**Dwelling** - a fixed, single or multiunit structure that, when constructed or installed after enactment of this ordinance, complies with the following:

1. structures over twelve feet in height - Foundation walls, piers, and other permanent supports shall extend below the frost line or thirty inches, whichever is greater; (except when erected upon solid rock or otherwise protected from frost); and

2. structures under twelve feet in height - Such dwellings may be placed upon a continuous mat of reinforced concrete designed to resist frost action. Placement upon concrete piers laid with type M or S mortar shall be allowed. Hollow, concrete masonry units shall be filled with concrete or high-strength mortar after reinforcement with a minimum of four No. 5 steel bars. Cast-in-place concrete piers may also be used. Piers shall sit upon footings not less than eight inches wider than the pier supported thereon.

3. A mobile home shall be considered a dwelling if the wheels are removed and if it is secured by an anchoring system consisting of:

   a. frame ties of rust-resistant steel cable or straps with a yoke-type fastener and tensioning device or clamps and turnbuckles attached to;

   b. ground anchors which can include screw augers, expanding anchors, or concrete deadmen.

**Dwelling unit** - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

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

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

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

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

**Exterior features** - These shall include the architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material and type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures and natural features such as trees and shrubbery.

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

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

**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.

**Foundation** - the supporting substructure of a building or other structure including, but not limited to basements, slabs, sills, posts or frostwalls.

**Functionally water-dependent uses** - those uses that require for their primary purpose, location on submerged lands or that require direct access to, or location in coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins, and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide public access to marine or tidal waters.

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

**Home occupation** - an occupation or profession which is carried on by a person in his or her home for profit. A home occupation must be clearly incidental to and compatible with the residential use of the property and surrounding residential uses, must not require external structural changes or external alterations which would change the residential appearance of the structure; and must not create offensive noise, odors, waste, glare, or other objectionable effects. A home occupation must not result in yard clutter or outside display of goods on a regular basis. A maximum of fifty percent of any one floor of a residential unit or accessory building may be used for a home occupation. It may employ no more than two persons other than family members residing in the house, one advertising sign no larger than three square feet shall be permitted. The sale of products shall be limited to those 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 and the buying and selling of antiques.

**Hotels and other lodging places** - **Hotel** - a building with numerous rooms for rent to transient guests. **Rooming house** - a building of residential character, usually a converted large dwelling, several rooms of which are rented to guests who usually stay more than two weeks. **Lodging house** - is a similar building used primarily for transient guests, usually staying for a few days (Bed and Breakfast). **Boarding house** - a rooming house where meals are served to the guests.

**Individual private campsites** - 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 individuals and which involves site improvements which may include, but not be limited to gravel pads, parking areas, fireplaces, or tent platforms.

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

**Junkyard** - an open area where used materials and waste materials are stored, handled, or sold.

**Kennel** - Any lot on which dogs are kept for the primary purposes of breeding, selling, training, or boarding.

**Local Historic District(s)** - an area which includes one or more buildings, structures, or sites which have particular historic, archaeological, or architectural significance to the City of Eastport. Local historic district designation is distinct from placement in the National Register of Historic Places and buildings, structures, or sites may be included under either or both designations.

**Lot** - A continuous parcel of land occupied or capable of being occupied by one building and its accessory structures and uses, and having frontage on a public or private street or documented right-of-way. A lot has a front lot line on any street which it abuts, a side lot line abutting adjacent lots of common frontage, and a rear lot line abutting lots not of common frontage.

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

**Lot coverage** – An area of a lot covered by the heated part of a dwelling, or by the entire building if the building is not a dwelling.

**Lot of record** – a parcel of land for which a legal description, dimensions and ownership has been registered with the County Registry of Deeds.

**Marina** - a business establishment having frontage on *navigable* water and as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat repair and construction, boat and related sales, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

**Market value** - the estimated price a property will bring in the open market 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.

**Minimum lot width** - the closest distance between the side lot lines of a lot (only applicable in shoreland districts).

**Mineral exploration** - 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 extraction** - any operation which within any twelve month period removes more than one hundred cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports the product removed from the extraction site.

**Mobile home** - a structure designed as a year-round dwelling unit and designed to be transported after fabrication on its own wheels. A mobile home must contain a toilet, tub and/or shower, kitchen facilities, sleeping accommodations, plumbing and electrical connections designed for attachment to outside systems; and must be fully skirted.

**Mobile home park** - a plot of land laid out to accommodate two or more mobile homes.

**Multi-unit residential** -a residential structure containing three or more residential dwelling units.

**Municipal Building** - a temporary or permanent structure owned by The City of Eastport and utilized for furnishing municipal services.

**Neighborhood store** - a store with fewer than one thousand square feet of retail floor area that primarily serves residents of a particular neighborhood; but excluding auto service stations, repair garages or facilities serving food on the premises.

**Non-conforming lot** - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet any one or more of the dimensional requirements of the district in which it is located.

**Non-conforming structure** - a structure which does not meet any one or more of the following dimensional requirements: setbacks, 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 allowed to remain solely because it was in lawful existence at the time this ordinance or subsequent amendments took effect.

**Normal-high-water line** - that line which is apparent from visible markings, from changes in the character of soils due to prolonged action of the water or from changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial areas.

**Principal structure** - a 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. 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.

**Principal use** - a use other than one which is wholly incidental or accessory to another on the same premises.

**Public recreation facility** - an outdoor area that is operated and maintained by the City or by a community organization and that is available for use by the general public for recreational purposes.

**Recent flood plain soils** - the following soils series as described and identified by the National Cooperative Soil Survey:

| | | | | | |
|---|---|---|---|---|---|
| Alluvial | Cornish | Charles | Fryeburg | Hadley | Limerick |
| Lovell | Medomack | Ondawa | Podunk | Rumney | Saco |
| Suncook | Sunday | Winooski | | | |

**Recreational vehicle** - a vehicle designed to be towed or an attachment to a vehicle designed for temporary sleeping or living quarters for one or more persons and which may include a pick-up camper, travel-trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

**Replacement septic 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.

**Riprap** - rocks, irregularly shaped, and at least six inches in diameter, used for erosion control and soil stabilization on ground slopes of two units horizontal to one unit vertical or less.

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

**Salt marsh** - an area along coastal waters (most often along coastal bays) which supports salt-tolerant species and where at average high tide during the growing season, the soil is regularly inundated by tidal waters.

**Salt meadow** - an area which supports salt-tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water.

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

2. in the case of telephone service, the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or the extension requiring the installation of new utility poles or placement underground is less than on thousand feet in length.

**Setback** - In the shoreland zone, the horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area. In all other cases, the minimum horizontal distance from a lot line to the nearest part of any principal structure or accessory structure.

**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 elevation.

**Shoreland zone** - the land area located within two hundred and fifty feet, horizontal distance, of the normal high-water line of any saltwater body or within 250 feet of the upland edge of a coastal wetland.

**Sign** - any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity, or place and is visible from any public way. Whenever dimensions of a sign are specified, they shall include frames. The term "sign" refers to matter located outside or on a structure. Umbrellas over tables outside eating establishments are not considered "signs" for the purposes of this ordinance even if they carry advertising logos. Off-premises signs are prohibited except as in accordance with MRSA *Title 23 ss 1901-1925* as amended.

**Special exception** - a use permitted only after review and approval by the Board of Appeals or the Planning Board. Such a use may be permitted only if specific provision for such special exception is made in this Ordinance. If no such provision has been made in this ordinance, the applicant's only recourse is to obtain rezoning of the property.

**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 and stairs pursuant to D.E.P. Chapter 1000 Section 15-B.paragraph 5. The term includes structures temporarily located, such as satellite dishes.

**Structural alterations** - any change of the exterior dimensions of a building or structure, or any change in the supporting members of a building such as bearing walls, columns, or beams. A property owner must obtain a building permit before undertaking any structural alterations.

**Subdivision** - the division of a tract or parcel of land into three or more lots within a five year period for the Purpose, immediate or future, of lease, sale, or building development. The term "subdivision" shall also mean the division of a new structure or structures on a tract of land or parcel of land into three or more dwelling units within a five year period, the construction or placement of three or more dwelling units on a single tract or parcel of land, and the division of an existing structure or structures previously used for commercial or industrial purposes, into three or more dwelling units within a five year period.

**Substantial start** - completion of thirty percent of a permitted structure or use measured as a percentage of estimated total cost.

**Subsurface sewage disposal system** - a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspools, well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping, designed to function as a unit for the purposes 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 38 *MRSA Section 413 ss-1a,* or any public sewer. The term shall also not include a wastewater disposal system, designed to treat wastewater which is in whole or in part hazardous waste as defined in *38 MRSA Chapter 13, - subchapter 1.*

**Sustained slope** - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**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.

**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 in *"38, MRSA 436-A"* of the Shoreland zoning law. Only the, portion of a tributary stream located within the shoreland zone is covered by this definition.

**Upland edge** - the boundary between upland and wetland.

**Vegetation** - all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four inches in diameter, measured at four and one-half feet above ground level.

**Volume of a structure** - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**Water body** - any tidal area.

**Wetland** - As regulated in this ordinance, the term refers to salt marshes and salt meadows.

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

Front yard - the area of land between the front lot line and the nearest part of the principal building.

Side yard - the area of land between the side lot line and the nearest part of the principal building.

Rear yard - the area of land between the rear lot line and the nearest part of the principal building.

# ARTICLE 3 - GENERAL PROVISIONS

## 3.1 Interpretation

Interpretation of what may not be clear in this ordinance shall be according to the intent of the ordinance and the Comprehensive Plan endorsed by the City Council.

## 3.2 Non-Conformance

Consult the definitions of *"non-conforming lot," "non-conforming structure," and "non-conforming use" in Article 2* of this ordinance for additional information:

### 3.2.1 Purpose

It is the intent of this ordinance to promote land use conformities, except that conditions in existence before December 12, 1991, which do not conform to the requirements of this ordinance are deemed non-conformities and shall be allowed to continue, subject to the requirements set forth in this section.

### 3.2.2 General

3.2.2.1 Transfer of ownership: non-conforming structures, lots and 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.

3.2.2.2 Repair and Maintenance: This Ordinance allows, without a permit the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovation which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as Federal, State or local building and safety codes may require.

### 3.2.3 Non-conforming Structures

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

**3.2.3.1.1** If any portion of a structure is less than the required setback from the normal high-water line or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume by 30% or more during the lifetime of the structure.

**3.2.3.1.2** Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided; that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Permitting Authority basing its decision on the criteria specified in *"subsection 3.2.3.2, Relocation;"* that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three additional feet.

**3.2.3.1.3** No structure which is less than the required setback from the normal high-water line or the upland edge of wetland shall be expanded towards the water body or wetland.

**3.2.3.2** Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Permitting authority, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In determining whether the building relocation meets the setback to the greatest practical extent, the Permitting authority shall consider the size of the lot, the slope of the land, the potential for soil erosion, location of other structures on the property and on adjacent properties, location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

**3.2.3.3** Reconstruction or Replacement: Any non-conforming structure which is removed, damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that, if applicable, such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

**3.2.3.3.1** Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the CEO.

**3.2.3.3.2** In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider in addition to the criteria in 3.2.3.1.2, the physical condition and type of foundation present, if any.

### 3.2.4 - Change of Use of a Non-conforming Structure

**3.2.4.1** The use of a non-conforming structure may not be changed to another use unless the Permitting Authority, after receiving a written application, determines that the new use will have no greater adverse impact upon the water body or wetland or on the subject or adjacent properties and resources than the existing use.

**3.2.4.2** In determining that no greater adverse impact will occur, the applicant may be required to provide written documentation regarding the probable effects on public health and safety, commercial fishing, maritime activities, and other functionally water-dependent uses, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, points of public access to waters, natural beauty, flood plain management, and archaeological as well as historic resources.

### 3.2.5 - Non-conforming Uses

**3.2.5.1** Expansions: Expansions of nonconforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Permitting authority for the existing structures, be expanded within existing structures, or within expansions of such structures provided such expansions conform to the dimensional requirements of the zoning district.

**3.2.5.2** Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use may not again be devoted to a non-conforming use except that the Zoning Board of Appeals may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five years.

**3.2.5.3** Change of Use: An existing non-conforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Permitting Authority. The determination of no greater adverse impact shall be made according to criteria listed in *"Section 3.2.4.2"* above.

### 3.2.6 Non-conforming Lots

#### 3.2.6.1 Non-conforming Lots:

**3.2.6.1.1** In shoreland districts, a non-conforming lot of record as of the effective date of this Ordinance or amendment thereto, may be built upon, without the need for a variance, provided that such lot is in separate ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

**3.2.6.1.2** In all other districts in which single-family dwellings are permitted, a single family dwelling may be erected on any single lot of record even though the lot area does not conform to the requirements of the particular district. However, such lot must be in separate ownership and not contiguous with any other lot in the same ownership and lot coverage may not exceed 30%. Smaller yard dimensions may be permitted by variance, but in no case shall any front, back, or side yard be less than three feet.

#### 3.2.6.2 Contiguous Built Lots

**3.2.6.2.1** If two or more lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance and if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the *"State minimum Lot Size Law and Subsurface Wastewater Disposal Rules"* are complied with.

**3.2.6.2.2** If two or more principal uses or structures existed on a single lot of record on December 12, 1991, each may be sold as a separate lot provided that the above referenced law and rules are complied with. When such lots are divided, each lot thus created must conform to the greatest extent possible with the dimensional requirements of this ordinance.

### 3.2.6.3 Contiguous Lots-Vacant or Partially Built

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

## 3.3 Additional Uses

Uses other than those specifically mentioned in this ordinance as permitted or special exception uses may be allowed by Board of Appeals vote provided that such other uses:

**3.3.1** are similar in character to the permitted or special exception uses in the particular district;

**3.3.2** will have no adverse effect on adjacent properties, the neighborhood, or the community.

## 3.4 Public Hearings

The public shall be duly informed of any Public Hearing that may be required for amendments, variances, special exceptions and other aspects of this Ordinance. The method of informing the public shall be:

**3.4.1** advertisement in a local newspaper not less than ten days before the Public Hearing,

**3.4.2** posting of a notice in at least six public places five days prior to the meeting.

## 3.5 Amendment

This Ordinance may be amended as follows:

**3.5.1** by a majority vote of the Eastport City Council if the proposed amendment is recommended by the Planning Board, or

**3.5.2** by 80% majority vote of the Eastport City Council if the proposed amendment is not recommended by the Planning Board.

**3.5.3** by 80% majority vote of the Eastport City Council if there are objections in writing signed by at least 10% of the property owners either within the affected area or within 200 feet of the affected area's boundaries.

**3.5.4** In all cases, the Planning Board shall hold a public hearing at least 15 days prior to the meeting of the Eastport City Council to consider the proposed amendment. The person or organization requesting the amendment shall post a fee of $75.00 to the City Clerk to cover publication costs associated with the amendment process. Notice of the hearing shall be posted at least 10 days in advance in a newspaper of general circulation in the area.

**3.5.5** Copies of amendments affecting the Shoreland districts, after being attested and signed by the City Clerk, shall be submitted to the Board of Environmental Protection following adoption by the City Council and shall not be effective unless approved by that Board. If the Board fails to act upon any amendment within forty-five days of its receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five day period shall be governed by the terms of the amendment, if such amendment is approved by the Board.

# ARTICLE 4 - ESTABLISHMENT OF DISTRICTS

## 4.1 Zoning Districts

To implement the provisions of this Ordinance, the City of Eastport is hereby divided into the following districts:

| | | |
|---|---|---|
| "RR" | - | Rural District |
| "R1" | - | Single-family Residential District |
| "R2" | - | Single and Multi-family Residential District" |
| "B1" | - | Downtown Business District (an overlay zone) |
| "B2" | - | Highway Business District |
| "I" | - | Industrial District |
| "SRP" | - | Shoreland Resource Protection |
| "SLR" | - | Shoreland Limited Residential |
| "SLC" | - | Shoreland Limited Commercial |
| "SGD" | - | Shoreland General Development |
| "CFMA" | - | Commercial Fisheries/Maritime Activities |
| "CFMAE" | - | Commercial Fisheries/Maritime Activities/Education |
| "HD" | - | Harbor District |
| "HDD" | - | Historical Designated District (an overlay zone) |

## 4.2 Location of Districts

The districts are located and bounded as shown on the official Zoning Map, entitled *"Zoning Map of the City of Eastport, Maine"* dated December 12, 1991 and on file in the office of the City Clerk. Additional copies of this map may be seen in the office of the Code Enforcement officer.

## 4.3 Uncertainty of Boundary Location

**4.3.1** Unless otherwise set forth on the official shoreland zoning map, district boundary lines are property lines, the centerlines of streets, roads and right-of-ways, and the boundaries of the shoreland zone as herein defined. Boundaries indicated as being parallel to or extensions of the features listed above shall be so construed, and distances not specifically indicated on the official zoning map shall be determined by the scale of the map. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

**4.3.2** The official shoreland zoning map shall be drawn at a scale of 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map. The official shoreland zoning map shall be certified by the attested signature of the City Clerk and shall be located in the office of the Clerk.

**4.3.3** If amendments, in accordance with Article 3.5 are made in the district boundaries or other matter portrayed on the official shoreland zoning map, such changes shall be made on the *"Official Shoreland Zoning Map"* within thirty days after the amendment has been approved by the Department of Environmental Protection.

# ARTICLE 5 - DISTRICT REQUIREMENTS

## 5.1 Rural District (RR)

The intent of the restrictions in the RR District is to protect the rural use and character of the land, while permitting low density development.

### 5.1.1 Permitted Structures and Uses

#### 5.1.1.1 Permitted Uses

Agriculture, church or temple, educational institution, facilities for the storage and processing of agricultural and fish products (but no including slaughter houses), forestry, public recreational facility, single family dwelling, summer cottage.

#### 5.1.1.2 Accessory Uses

Buildings and structures usually associated with these permitted uses shall be allowed, including home occupation, roadside stands for the sale of produce, keeping of domestic animals for personal use and enjoyment (but not including a kennel), keeping of large animals, private garage, private swimming pool, signs subject to *"Article 6 Section 21*," temporary building for uses incidental to construction.

### 5.1.2 Special Exceptions

The following uses shall be permitted if expressly authorized by the Board of Appeals: advertising signs subject to the provisions of *"Article 6 section 21,"* airport or heliport, auction barn, campground, cemetery, commercial greenhouse, commercial recreational facility, community facility, government structure, hairdressing establishments, municipal building, junkyard subject to State and City regulations, kennel, mobile home park, professional offices, public utility or communications structure, nursing home, funeral home, hospital, riding stable, rock quarry, sand and gravel pit, tourist cabins, motels and hairdressing establishments.

### 5.1.3 Lot Area

**5.1.3.1** Without Public Sewer - Minimum of 40,000 square feet

**5.1.3.2** With Public Sewer - Minimum of 20,000 square feet

**5.1.4 Frontage**

**5.1.4.1** Without Public Sewer - Minimum of 150 feet

**5.1.4.2** With Public Sewer - Minimum of 100 feet

**5.1.5 Minimum Yard Depths**

**5.1.5.1** Front yard - 30 feet

**5.1.5.2** Side yard - 15 feet

**5.1.5.3** Back yard - 30 feet

**5.1.6 Maximum Heights of Buildings**

**5.1.6.1** Principal use 35 feet

**5.1.6.2** Accessory buildings 35 feet

**5.1.7 Maximum Lot Coverage**

25%

**5.1.8 Performance Standards**

Permitted uses and uses permitted by special exceptions shall conform to the performance standards described in *"Article 6 of this Ordinance."*

## 5.2 Single Family Residential District (R1)

The intent of the R1 District is to encourage high standard residential developments with essentially one family homes and to prevent land uses which would be incompatible with this residential use.

### 5.2.1 Permitted Structures and Uses

#### 5.2.1.1 Permitted Uses

Single-family dwelling, church or temple, public recreation facility.

#### 5.2.1.2 Accessory Uses

Buildings and structures usually associated with these permitted uses shall be allowed, including home occupation, gardening and growing fruits and vegetables, and the incidental sale of produce grown by the residents of a dwelling, keeping of domestic animals for personal use and enjoyment (but not including a kennel), keeping of one large animal such as a horse or cow provided that the animal is well cared for and premises are large enough and kept clean, private garage, private swimming pool, signs subject to *"Article 6 Section 21,"* temporary building for uses incidental to construction.

### 5.2.2 Special Exceptions

The following uses may be permitted if expressly authorized by the Board of Appeals: community facility, educational institution, municipal building, public utility or communications structure, nursing home, fish processing facility (provided that such fish processing facility does not exceed 5% of the square footage area of the established lot upon which the facility is located), funeral home, government structure, municipal building, hospital. In the R1 district, if more than one such special exception is to be permitted, the cumulative impact of the business on the residential neighborhood (defined as an area up to two blocks radius or up to 500 Foot radius from the applicant) must be considered by the Board before approving additional requests.

### 5.2.3 Lot Area

**5.2.3.1** Without Public Sewer - Minimum of 20,000 square feet

**5.2.3.2** With Public Sewer - Minimum of 10,000 square feet

### 5.2.4 Frontage

**5.2.4.1** Without Public Sewer - Minimum of 100 feet

**5.2.4.2** With Public Sewer - Minimum of 75 feet

**Minimum Yard Depths**

**5.2.5.1** Front yard - 20 feet

**5.2.5.2** Side yard - 15 feet

**5.2.5.3** Back yard - 20 feet

### 5.2.6 Maximum Heights of Buildings

**5.2.6.1** Principal use 35 feet

**5.2.6.2** Accessory buildings 35 feet

### 5.2.7 Maximum Lot Coverage

20%

### 5.2.8 Performance Standards

Permitted uses and uses permitted by special exceptions shall conform to the performance standards described in *"Article 6"* of this ordinance.

## 5.3 Single and Multi-Family Residential District (R2)

The intent of the R2 District is to encourage a reasonable diversity in the type and density of residential development and related, compatible land uses.

### 5.3.1 Permitted Structures and Uses

#### 5.3.1.1Permitted Uses

Single family dwelling, two-family dwelling, church or temple, public recreation facility.

#### 5.3.1.2 Accessory Uses

Buildings and structures usually associated with these permitted uses shall be allowed, including home occupation, gardening and growing fruits and vegetables, and the incidental sale of produce grown by the residents of a dwelling, keeping of domestic animals for personal use and enjoyment (but not including a kennel), keeping of one large animal such as a horse or cow provided that the animal is well cared for and premises are large enough and kept clean, or garage, private swimming pool, signs, subject to *"Article 6 Section 21,"* temporary building for uses incidental to construction.

### 5.3.2 Special Exceptions

The following uses may be permitted if expressly authorized by the Board of Appeals: community facility, conversion of an existing residential structure for use in whole or in part as a restaurant, public utility or communications structure, nursing home, educational institution, fish processing facility (provided that such fish processing facility does not exceed 5% of the square footage area of the established lot upon which the facility is located), funeral home, government structure, hairdressing establishments, municipal building, hospital, neighborhood store, rooming, boarding or lodging house, professional office, and dwellings with three or more units subject to all relevant provisions of this Ordinance and subject also to approval by the Eastport Planning Board. In the R2 district, if more than one such special exception is to be permitted, the cumulative impact of the business on the residential neighborhood (defined as an area up to two blocks radius or up to 500 foot radius from the applicant) must be considered by the Board before approving additional requests.

### 5.3.3 Minimum Dimensional Requirements

| Type of Unit | Lot Area Sq. Ft. | Frontage | Front Yard Depth | Side Yard Depth | Rear Yard Depth |
|---|---|---|---|---|---|
| 1 Family Dwelling | 7,000 | 50 | 20 | 7 | 20 |
| 2 Family Dwelling | 9,000 | 60 | 20 | 10 | 20 |
| Multiple Dwelling less than 3 Stories | 12,500 | 80 | 20 | 15 | 30 |
| Multiple Dwelling 3 Stories | 25,000 | 125 | 20 | 30 | 40 |
| All Other Uses | 14,000 | 100 | 20 | 20 | 35 |

#### 5.3.3.1 Front Yard Setback Exemption

Those lots and parcels having frontage on the north side of Sullivan Street shall be exempt from the 20 foot (R2) front yard depth and shall be subject to a reduced Front yard depth of 10 feet.

### 5.3.4 Lot Area

Lot area per family for all multiple dwellings is 2,500 sq. ft.

### 5.3.5 Maximum Heights of Buildings

**5.3.5.1** Principal use 35 feet

**5.3.5.2** Accessory buildings 35 feet

### 5.3.6 Maximum Lot Coverage

30%

### 5.3.7 Performance Standards

Permitted uses and uses permitted by special exceptions shall conform to the performance standards described in *"Article 6"* of this Ordinance.

## 5.4 Downtown Business District (B1) (an overlay zone)

The intent of the restrictions of the B-1 District is to maintain and enhance the general character of the present downtown area.

### 5.4.1 Permitted Structures and Uses

#### 5.4.1.1 **Permitted Uses**

Appliance repair shop, bakery, bank, bicycle repair shop, business or professional office, church or temple, clinic, clubs, community facility, dry cleaning establishment, educational facility, fish processing facility, funeral home, government structure, hairdressing establishments, hospital or nursing home, hotels, motels and other types of lodging places, indoor commercial recreational and amusement facilities, library, liquor store, museum, newspaper and printing plant, parking garage and parking lot, post office, public utility or communication structure, restaurant (but not including drive-in establishments), retail businesses where goods are displayed and sold mainly indoors, semi-public and private cultural or religious institutions, shoe repair shop, studios for dance, art, photography and music, one and two-family dwellings, and dwelling units.

#### 5.4.1.2 **Accessory Uses**

Buildings and structures usually associated with these permitted uses shall be allowed, including home occupation, gardening and growing fruits and vegetables, keeping of domestic animals for personal use and enjoyment (but not including a kennel), private garage, private swimming pool, signs subject to *"Article 6 Section 21,"* temporary building for uses incidental to construction, and off street parking facilities.

### 5.4.2 **Special Exceptions**

The following uses shall be permitted if expressly authorized by the Board of Appeals: Municipal buildings, dwellings with three or more units subject to all relevant provisions of this Ordinance and subject also to approval by the Planning Board. A tavern, bar, or liquor sales other than a liquor store may be permitted by affirmative vote of the City Council.

### 5.4.3 Minimum Dimensional Requirements

#### 5.4.3.1

| Type of Unit | Lot Area Sq. Ft. | Frontage | Front Yard Depth | Side Yard Depth | Rear Yard Depth |
|---|---|---|---|---|---|
| 1 Family Dwelling | 7,000 | 50 | 20 | 7 | 20 |
| 2 Family Dwelling | 9,000 | 60 | 20 | 10 | 20 |
| Multiple Dwelling less than 3 Stories | 12,500 | 80 | 20 | 15 | 30 |
| Multiple Dwelling 3 Stories | 25,000 | 125 | 20 | 30 | 40 |
| All Other Uses | 14,000 | 100 | 20 | 20 | 35 |

#### 5.4.3.2 For other uses

There shall be no special requirements for lot area, frontage, and yard dimensions except that when a non-dwelling use in District B1 adjoins any R District, the minimum side yard of the non-dwelling use shall be ten feet, and the minimum rear yard dimension shall be fifteen feet.

#### 5.4.3.3 Residential Restrictions

No buildings in the Downtown Revitalization Area (Water Street and sidewalk from Key Street to Sullivan Street shall be utilized as dwellings at street level.

Any and all buildings currently occupied as dwellings at street level in said area shall be grand fathered only so long as occupied. Should said occupied space be vacated at any time, building shall then be made current with this section. Grand fathered uses cannot be transferred to any other entity, nor be sub-let, neither can it be passed on to heirs, nor can any continuance be granted.

### 5.4.4 Lot Area

Lot area per family for all multiple dwellings is 2,500 sq. ft.

### 5.4.5 Maximum Heights of Buildings

**5.4.5.1** Principal use 35 feet

**5.4.5.2** Accessory buildings 35 feet

### 5.4.6 Maximum Lot Coverage

**5.4.6.1** For one and two family dwellings - 30%

**5.4.6.2** No limit for other uses

### 5.4.7 Performance Standards

Permitted uses and uses permitted by special exceptions shall conform to the performance standards described in *"Article 6"* of this Ordinance.

## 5.5 Highway Business District (B2)

The intent of the B2 District is to provide for moderate density highway-oriented business use.

### 5.5.1 Permitted Structures and Uses

#### 5.5.1.1 Permitted Uses

Any principal use permitted as regulated in District B1, (but not including dwellings or fish processing facilities), and also retail and service businesses serving motorists including but not limited to church, city truck depot, drive-in theaters, drive-in restaurants, medical, motor vehicle service stations, office, recycle centers, residential, retail, uses involving outdoor display or storage of large amounts of merchandise such as a building supply store, commercial nursery, mobile home or motor vehicle sales (but excluding any kind of junkyard); outdoor commercial recreation or amusement facility, tavern.

#### 5.5.1.2 Accessory uses

Buildings and structures usually associated with these permitted uses shall be allowed, including home occupation, gardening and growing fruits and vegetables, keeping of domestic animals for personal use and enjoyment (but not including a kennel), private garage, private swimming pool, signs subject to *"Article 6 Section 21*," temporary building for uses incidental to construction, a single-family home owned by the owner or operator of a principal highway business use, and off-street parking facilities.

### 5.5.2 Special Exceptions

The following uses shall be permitted if expressly authorized by the Board of Appeals: Municipal building, mobile home park, multi-unit residential, and fish processing facility.

### 5.5.3 Lot Area

**5.5.3.1** Without Public Sewer - Minimum of 40,000 square feet

**5.5.3.2** With Public Sewer - Minimum of 20,000 square feet

### 5.5.4 Frontage

Minimum of 100 feet

### 5.5.5 Minimum Yard Depths

**5.5.5.1** Front Yard - 40 feet

**5.5.5.2** Side yard - 10 feet (except when abutting any "R" district, the minimum side yard shall be 20 feet)

**5.5.5.3** Back yard - 20 feet

### 5.5.6 Maximum Heights of Buildings

**5.5.6.1** Principal use 35 feet

**5.5.6.2** Accessory buildings 35 feet

### 5.5.7 Maximum Lot Coverage

30%

### 5.5.8 Performance Standards

Permitted uses and uses permitted by special exceptions shall conform to the performance standards described in *"Article 6"* of this Ordinance.

## 5.6 Industrial District (I)

The intent of the Industrial District regulations is to encourage non-polluting industrial development at a reasonable density.

### 5.6.1 Permitted Structures and Uses

#### 5.6.1.1 Permitted Uses

Commercial laundry, commercial shipping facility, fuel tanks and other storage tanks, mail-order house, manufacturing, printing and publishing, public utility building, and storage yard, research or experimental laboratory, service and sale of motor vehicles, truck terminals, warehouses, wholesale business, church or temple. Residential uses are not permitted.

#### 5.6.1.2 Accessory uses

Buildings and structures usually associated with these permitted uses shall be allowed, including off-street parking facility, signs subject to the provisions of "*Article 6 Section 21,*" temporary building for uses incidental to construction.

### 5.6.2 Special Exceptions

The following uses shall be permitted if expressly authorized by the Board of Appeals: Municipal buildings, retail and service establishments, building material yard, junkyard, extraction of minerals, commercial recreation.

### 5.6.3 Lot Area

Minimum of 40,000 square feet

### 5.6.4 Frontage

Minimum of 100 feet

### 5.6.5 Minimum Yard Depths

**5.6.5.1** Front yard - 30 feet

**5.6.5.2** Side yard - 20 feet

**5.6.5.3** Back yard - 25 feet

### 5.6.6 Maximum Heights of Buildings

**5.6.6.1** Principal use 35 feet

**5.6.6.2** Accessory buildings 35 feet

### 5.6.7 Maximum Lot Coverage

50%

### 5.6.8 Performance Standards

Permitted uses and uses permitted by special exceptions shall conform to the performance standards described in "*Article 6*" of this Ordinance.

## 5.7 Shoreland Resource Protection District (SRP)

The provisions of this section apply to all land areas designated SRP on the official Zoning Map that are within 250 feet, horizontal distance, of the normal high water line or the upland edge of salt marshes or salt meadows. The intent of the restrictions in the SRP District is to protect and preserve shoreland areas in which development would have an adverse effect on water quality, wildlife habitats, or important scenic and ecological resources. This district shall also include 100 year flood plains adjacent to tidal waters (excluding areas already densely-developed) as shown on *FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps*

### 5.7.1 Permitted Uses

See *"Sections 5.7.9 and 5.7.10"*

### 5.7.2 Special Exceptions

Those uses which require a Planning Board permit are construed to be special exceptions. See *"Sections 5.7.9 and 5.7.10"*

### 5.7.3 Lot Area

Minimum of 40,000 square feet

### 5.7.4 Frontage

Minimum of 200 feet

### 5.7.5 Minimum Yard Depths

Setback from normal high water mark - 250 feet

### 5.7.6 Maximum Heights of Buildings

**5.7.6.1** Principal use 35 feet

**5.7.6.2** Accessory buildings 35 feet

### 5.7.7 Maximum Lot Coverage

20%

### 5.7.8 Performance Standards

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "*Article 6"* of this Ordinance.

**Table of Land Uses (SRP)**

| LAND USE | NOTE |
|---|---|
| Non-intensive recreational uses not requiring structures such as hunting, fishing, & hiking. | Yes |
| Motorized vehicular traffic on existing roads and trails. | Yes |
| Forest management activities except for timber harvesting. | Yes |
| Timber Harvesting | No |
| Clearing of vegetation for approved construction and other allowed uses. | CEO |
| Fire prevention activities. | Yes |
| Wildlife management practices | Yes |
| Soil and water conservation practices | Yes |
| Mineral exploration – **2** | Yes |
| Mineral extraction including sand and gravel extraction. | PB |
| Surveying and resource analysis | Yes |
| Emergency operations | Yes |
| Agriculture | PB |
| Aquaculture | PB |
| Principal structures and uses | |
| One and two family residential | No |
| Multi-unit residential | No |
| Commercial | No |
| Industrial | No |
| Governmental and Institutional | No |
| Municipal Building | No |
| Small non-residential facilities for educational, scientific, or nature interpretation purposes. | PB |
| Structure accessory to allowed uses. | PB |
| Piers, docks, wharves, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland | |
| Temporary | CEO |
| Permanent | PB |
| Conversions of seasonal residences to year-round residences. | No |
| Home occupations. | No |
| Private sewage disposal systems for allowed uses. | No |
| Essential services. | PB**6** |
| Service drops, as defined, for allowed uses. | Yes |
| Public and private recreational areas involving minimal structural development. | PB |
| Individual, private campsites. | CEO |
| Campgrounds | No |
| Road and driveway construction | No**3** |
| Parking facilities | PB |
| Marinas | No |

### 5.7.9.1 Notes & Footnotes For Table of Land Uses

| | |
|---|---|
| 1 | See district for specific allowed uses. |
| 2 | Requires CEO permit if more than 100 square feet of surface area, in total, is disturbed. |
| 3 | Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the SRP area, in which case approval is required from the Planning Board. |
| 4 | Commercial food-service facilities directly related to aqua-culture may be allowed by PB. |
| 5 | Functionally water-dependent uses and uses accessory to such water dependent uses. |
| 6 | See further restrictions in Section 6.11. |
| | A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 MRSA Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, stream or brook and operates in such a manner that material or soil may be washed into them: |
| A | dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; |
| B | draining or otherwise de-watering; |
| C | filling, including adding sand or other material to a sand dune; or |
| D | any construction or alteration of any permanent structure. |

## 5.7.10 Other Uses

### 5.7.10.1 Similar Uses

**5.7.10.1.1** Uses similar to allowed uses requiring a CEO permit are allowed with CEO approval.

**5.7.10.1.2** Uses similar to allowed uses requiring PB approval are allowed with Planning Board approval.

### 5.7.10.2 Earthmoving

**5.7.10.2.1** <10 cubic Yards is allowed in all shoreland districts but requires PB (Planning Board) approval in SRP zones

**5.7.10.2.2** >10 cubic yards requires PB approval.

### 5.7.10.3 Signs

Signs are allowed in all districts but refer to *Article 6.21* of the performance standards for additional information.

## 5.8 Shoreland Limited Residential (SLR)

The Limited Residential District (SLR) includes those areas suitable for residential and recreational development. It includes areas other than those in the SRP District and areas which are used less intensively than those in the other districts.

### 5.8.1 Permitted Uses

See *"Sections 5.8.9 and 5.8.10"*

### 5.8.2 Special Exceptions

Those uses which require a Planning Board permit are construed to be special exceptions. See *"Sections 5.8.9 and 5.8.10"*

### 5.8.3 Lot Area

**5.8.3.1** Residential, per dwelling unit - minimum of 30,000 square feet.

**5.8.3.2** All other permitted uses - minimum of 40,000 square feet.

### 5.8.4 Frontage

**5.8.4.1** Residential - minimum of 150 feet

**5.8.4.2** All other permitted uses - minimum of 200 feet

### 5.8.5 Minimum Yard Depths

**5.8.5.1** Setback from normal high water mark - 75 feet

**5.8.5.2** Other yard depths;

**5.8.5.2.1** Without public sewer:

**5.8.5.2.1.1** Front yard - 30 feet

**5.8.5.2.1.2** Side yard - 15 feet

**5.8.5.2.1.3** Back yard - 30 feet

**5.8.5.2.2** With public sewer:

**5.8.5.2.2.1** Front yard - 20 feet

**5.8.5.2.2.2** Side yard - 12 feet

**5.8.5.2.2.3** Rear yard - 20 feet

### 5.8.6 Maximum Heights of Buildings

**5.8.6.1** Principal use 35 feet

**5.8.6.2** Accessory buildings 35 feet

### 5.8.7 Maximum Lot Coverage

20%

### 5.8.8 Performance Standards

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "*Article 6*" of this Ordinance.

### 5.8.9 Table of Land Uses (SLR)

| LAND USE | NOTE |
|---|---|
| Non-intensive recreational uses not requiring structures such as hunting, fishing, & hiking. | Yes |
| Motorized vehicular traffic on existing roads and trails. | Yes |
| Forest management activities except for timber harvesting. | Yes |
| Timber Harvesting | Yes |
| Clearing of vegetation for approved construction and other allowed uses. | Yes |
| Fire prevention activities. | Yes |
| Wildlife management practices | Yes |
| Soil and water conservation practices | Yes |
| Mineral exploration – **2** | Yes |
| Mineral extraction including sand and gravel extraction. | PB |
| Surveying and resource analysis | Yes |
| Emergency operations | Yes |
| Agriculture | Yes |
| Aquaculture | PB |
| Principal structures and uses | |
| One and two family residential | CEO |
| Multi-unit residential | PB |
| Commercial | No |
| Industrial | No |
| Governmental and Institutional | No |
| Municipal Building | PB |
| Small non-residential facilities for educational, scientific, or nature interpretation purposes. | CEO |
| Structure accessory to allowed uses. | CEO |
| Piers, docks, wharves, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland | |
| Temporary | CEO |
| Permanent | PB |
| Conversions of seasonal residences to year-round residences. | LPI |
| Home occupations. | PB |
| Private sewage disposal systems for allowed uses. | LPI |
| Essential services. | PB |
| Service drops, as defined, for allowed uses. | Yes |
| Public and private recreational areas involving minimal structural development. | PB |
| Individual, private campsites. | CEO |
| Campgrounds | PB |
| Road and driveway construction | PB |
| Parking facilities | PB |
| Marinas | PB |

### 5.8.9.1 Notes & Footnotes For Table of Land Uses

| | |
|---|---|
| 1 | See district for specific allowed uses. |
| 2 | Requires CEO permit if more than 100 square feet of surface area, in total, is disturbed. |
| 3 | Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the SRP area, in which case approval is required from the Planning Board. |
| 4 | Commercial food-service facilities directly related to aqua-culture may be allowed by PB. |
| 5 | Functionally water-dependent uses and uses accessory to such water dependent uses. |
| 6 | See further restrictions in Section 6.11. |
| | A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 MRSA Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, stream or brook and operates in such a manner that material or soil may be washed into them: |
| A | dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; |
| B | draining or otherwise de-watering; |
| C | filling, including adding sand or other material to a sand dune; or |
| D | any construction or alteration of any permanent structure. |

## 5.8.10 Other Uses

### 5.8.10.1 Similar Uses

**5.8.10.1.1** Uses similar to allowed uses requiring a CEO permit are allowed with CEO approval.

**5.8.10.1.2** Uses similar to allowed uses requiring PB approval are allowed with Planning Board approval.

### 5.8.10.2 Earthmoving

**5.8.10.2.1** <10 cubic Yards is allowed in all shoreland districts but requires PB (Planning Board) approval in SRP zones.

**5.8.10.2.2** >10 cubic yards requires PB approval.

### 5.8.10.3 Signs

Signs are allowed in all districts but refer to *"Article 6.21"* of the performance standards for additional information.

## 5.9 Shoreland Limited Commercial (SLC)

The Limited Commercial District (SLC) includes areas of mixed, light commercial and residential use which should not be developed as intensively as the General Development District. This area includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

### 5.9.1 Permitted Uses

See *"Sections 5.9.9 and 5.9.10"*

### 5.9.2 Special Exceptions

Those uses which require a Planning Board permit are construed to be special exceptions. See *"Sections 5.9.9 and 5.9.10"*

### 5.9.3 Lot Area

**5.9.3.1** Residential - minimum of 30,000 square feet

**5.9.3.2** All other permitted uses - minimum of 40,000 square feet

### 5.9.4 Frontage

**5.9.4.1** Residential - minimum of 150 feet

**5.9.4.2** All other permitted uses - minimum of 200 feet

### 5.9.5 Minimum Yard Depths

**5.9.5.1** Setback from normal high water mark - 75 feet

**5.9.5.2** Other yard depths;

**5.9.5.2.1** Without public sewer:

**5.9.5.2.1.1** Front yard - 30 feet

**5.9.5.2.1.2** Side yard - 15 feet

**5.9.5.2.1.3** Back yard - 30 feet

**5.9.5.2.2 With public sewer:**

**5.9.5.2.2.1** Front yard - 20 feet

**5.9.5.2.2.2** Side yard - 12 feet

**5.9.5.2.2.3** Rear yard - 20 feet

**5.9.6 Maximum Height of Buildings**

**5.9.6.1** Principal use 35 feet

**5.9.6.2** Accessory buildings 35 feet

**5.9.7 Maximum Lot Coverage**

20%

**5.9.8 Performance Standards**

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "*Article 6*" of this Ordinance.

### 5.9.9 Table of Land Uses (SLC)

| LAND USE | NOTE |
|---|---|
| Non-intensive recreational uses not requiring structures such as hunting, fishing, & hiking. | Yes |
| Motorized vehicular traffic on existing roads and trails. | Yes |
| Forest management activities except for timber harvesting. | Yes |
| Timber Harvesting | Yes |
| Clearing of vegetation for approved construction and other allowed uses. | Yes |
| Fire prevention activities. | Yes |
| Wildlife management practices | Yes |
| Soil and water conservation practices | Yes |
| Mineral exploration – **2** | Yes |
| Mineral extraction including sand and gravel extraction. | PB |
| Surveying and resource analysis | Yes |
| Emergency operations | Yes |
| Agriculture | Yes |
| Aquaculture | Yes |
| Principal structures and uses | |
| One and two family residential | CEO |
| Multi-unit residential | PB |
| Commercial | PB |
| Industrial | No |
| Governmental and Institutional | PB |
| Municipal Building | PB |
| Small non-residential facilities for educational, scientific, or nature interpretation purposes. | CEO |
| Structure accessory to allowed uses. | CEO |
| Piers, docks, wharves, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland | |
| Temporary | CEO |
| Permanent | PB |
| Conversions of seasonal residences to year-round residences. | LPI |
| Home occupations. | CEO |
| Private sewage disposal systems for allowed uses. | LPI |
| Essential services. | PB |
| Service drops, as defined, for allowed uses. | Yes |
| Public and private recreational areas involving minimal structural development. | CEO |
| Individual, private campsites. | CEO |
| Campgrounds | PB |
| Road and driveway construction | PB |
| Parking facilities | PB |
| Marinas | PB |

### 5.9.9.1 Notes & Footnotes For Table of Land Uses

| | |
|---|---|
| 1 | See district for specific allowed uses. |
| 2 | Requires CEO permit if more than 100 square feet of surface area, in total, is disturbed. |
| 3 | Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the SRP area, in which case approval is required from the Planning Board. |
| 4 | Commercial food-service facilities directly related to aqua-culture may be allowed by PB. |
| 5 | Functionally water-dependent uses and uses accessory to such water dependent uses. |
| 6 | See further restrictions in Section 6.11. |
| | A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 MRSA Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, stream or brook and operates in such a manner that material or soil may be washed into them: |
| A | dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; |
| B | draining or otherwise de-watering; |
| C | filling, including adding sand or other material to a sand dune; or |
| D | any construction or alteration of any permanent structure. |

## 5.9.10 Other Uses

### 5.9.10.1 Similar Uses

**5.9.10.1.1** Uses similar to allowed uses requiring a CEO permit are allowed with CEO approval.

**5.9.10.1.2** Uses similar to allowed uses requiring PB approval are allowed with Planning Board approval.

### 5.9.10.2 Earthmoving

**5.9.10.2.1** <10 cubic Yards is allowed in all shoreland districts but requires PB (Planning Board) approval in SRP zones.

**5.9.10.2.2** >10 cubic yards requires PB approval.

### 5.9.10.3 Signs

Signs are allowed in all districts but refer to *"Article 6.21"* of the performance standards for additional information.

## 5.10 Shoreland General Development (SGD)

The General Development District includes areas devoted to commercial, industrial, or intensive recreational activities or a mix of such activities. Portions of the district may also include residential development.

### 5.10.1 Permitted Uses

See *"Sections 5.10.9 and 5.10.10"*

### 5.10.2 Special Exceptions

Those uses which require a Planning Board permit are construed to be special exceptions. See *"Sections 5.10.9 and 5.10.10"*

### 5.10.3 Lot Area

**5.10.3.1** Residential - minimum of 30,000 square feet

**5.10.3.2** All other permitted uses - minimum of 40,000 square feet

### 5.10.4 Frontage

**5.10.4.1** Residential - minimum of 150 feet

**5.10.4.2** All other permitted uses - minimum of 200 feet

### 5.10.5 Minimum Yard Depths

**5.10.5.1** Setback from normal high water mark

**5.10.5.1.1** No setback for functionally water - dependent uses

**5.10.5.1.2** 25 foot setback for all other uses

#### 5.10.5.1.3 Other yard depths

| Type of Unit | Front Yard Depth | Side Yard Depth | Rear Yard Depth |
|---|---|---|---|
| 1 Family Dwelling | 20 | 7 | 20 |
| 2 Family Dwelling | 20 | 10 | 20 |
| Multiple Dwelling less than 3 Stories | 20 | 15 | 30 |
| Multiple Dwelling 3 Stories | 20 | 30 | 40 |
| All Other Uses | 20 | 20 | 35 |

### 5.10.6 Maximum Height of Buildings

**5.10.6.1** Principal use 35 feet

**5.10.6.2** Accessory buildings 35 feet

**5.10.6.3** In the Shoreland General Development (SGD) zone building height may be measured from the original grade down-slope or from the base flood elevation.

### 5.10.7 Maximum Lot Coverage

70%

### 5.10.8 Performance Standards

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "*Article 6*" of this Ordinance.

### 5.10.9 Table of Land Uses (SGD)

| LAND USE | NOTE |
|---|---|
| Non-intensive recreational uses not requiring structures such as hunting, fishing, & hiking. | Yes |
| Motorized vehicular traffic on existing roads and trails. | Yes |
| Forest management activities except for timber harvesting. | Yes |
| Timber Harvesting | Yes |
| Clearing of vegetation for approved construction and other allowed uses. | Yes |
| Fire prevention activities. | Yes |
| Wildlife management practices | Yes |
| Soil and water conservation practices | Yes |
| Mineral exploration – 2 | Yes |
| Mineral extraction including sand and gravel extraction. | PB |
| Surveying and resource analysis | Yes |
| Emergency operations | Yes |
| Agriculture | Yes |
| Aquaculture | Yes |
| Principal structures and uses | |
| One and two family residential | CEO |
| Multi-unit residential | PB |
| Commercial | PB |
| Industrial | PB |
| Governmental and Institutional | PB |
| Municipal Buildings | PB |
| Small non-residential facilities for educational, scientific, or nature interpretation purposes. | Yes |
| Structure accessory to allowed uses. | Yes |
| Piers, docks, wharves, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland | |
| Temporary | CEO |
| Permanent | PB |
| Conversions of seasonal residences to year-round residences. | LPI |
| Home occupations. | Yes |
| Private sewage disposal systems for allowed uses. | LPI |
| Essential services. | PB |
| Service drops, as defined, for allowed uses. | Yes |
| Public and private recreational areas involving minimal structural development. | CEO |
| Individual, private campsites. | CEO |
| Campgrounds | PB |
| Road and driveway construction | PB |
| Parking facilities | PB |
| Marinas | PB |

### 5.13.10.1 Notes & Footnotes For Table of Land Uses

| | |
|---|---|
| 1 | See district for specific allowed uses. |
| 2 | Requires CEO permit if more than 100 square feet of surface area, in total, is disturbed. |
| 3 | Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the SRP area, in which case approval is required from the Planning Board. |
| 4 | Commercial food-service facilities directly related to aqua-culture may be allowed by PB. |
| 5 | Functionally water-dependent uses and uses accessory to such water dependent uses. |
| 6 | See further restrictions in Section 6.11. |
| | A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 MRSA Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, stream or brook and operates in such a manner that material or soil may be washed into them: |
| A | dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; |
| B | draining or otherwise de-watering; |
| C | filling, including adding sand or other material to a sand dune; or |
| D | any construction or alteration of any permanent structure. |

## 5.10.10 Other Uses

### 5.10.10.1 Similar Uses

**5.10.10.1.1** Uses similar to allowed uses requiring a CEO permit are allowed with CEO approval.

**5.10.10.1.2** Uses similar to allowed uses requiring PB approval are allowed with Planning Board approval.

### 5.10.10.2 Earthmoving

**5.10.10.2.1** <10 cubic Yards is allowed in all shoreland districts but requires PB (Planning Board) approval in SRP zones.

**5.10.10.2.2** >10 cubic yards requires PB approval.

### 5.10.10.3 Signs

Signs are allowed in all districts but refer to *"Article 6.21"* of the performance standards for additional information.

## 5.11 Commercial Fisheries/Maritime Activities (CFMA)

This district includes areas where the existing predominant pattern of development is consistent with the allowed uses for this District.

### 5.11.1 Permitted Uses

See *"Sections 5.11.9 and 5.11.10"*

### 5.11.2 Special Exceptions

Those uses which require a Planning Board permit are construed to be special exceptions. See *"Sections 5.11.9 and 5.11.10"*

### 5.11.3 Lot Area

**5.11.3.1** Residential - not permitted

**5.11.3.2** Permitted uses - No Minimum area required

### 5.11.4 Frontage

**5.11.4.1** All permitted uses - Minimum of 200 feet

### 5.11.5 Minimum Yard Depths - (Setback from normal high water mark)

**5.11.5.1** None for functionally water-dependent uses

### 5.11.6 Maximum Heights of Buildings

**5.11.6.1** Principal use 35 feet

**5.11.6.2** Accessory buildings 35 feet

### 5.11.7 Maximum Lot Coverage

70%

### 5.11.8 Performance Standards

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "*Article 6*" of this Ordinance.

### 5.11.9 Table of Land Uses (CFMA)

| LAND USE | NOTE |
|---|---|
| Non-intensive recreational uses not requiring structures such as hunting, fishing, & hiking. | Yes |
| Motorized vehicular traffic on existing roads and trails. | Yes |
| Forest management activities except for timber harvesting. | Yes |
| Timber Harvesting | Yes |
| Clearing of vegetation for approved construction and other allowed uses. | Yes |
| Fire prevention activities. | Yes |
| Wildlife management practices | Yes |
| Soil and water conservation practices | Yes |
| Mineral exploration – 2 | Yes |
| Mineral extraction including sand and gravel extraction. | PB |
| Surveying and resource analysis | Yes |
| Emergency operations | Yes |
| Agriculture | Yes |
| Aquaculture | Yes |
| Principal structures and uses | |
| One and two family residential | No |
| Multi-unit residential | No |
| Commercial | PB[5,4] |
| Industrial | PB[5] |
| Governmental and Institutional | PB[5] |
| Municipal Buildings | PB |
| Small non-residential facilities for educational, scientific, or nature interpretation purposes. | Yes |
| Structure accessory to allowed uses. | Yes |
| Piers, docks, wharves, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland | |
| Temporary | CEO |
| Permanent | PB[5] |
| Conversions of seasonal residences to year-round residences. | No |
| Home occupations. | No |
| Private sewage disposal systems for allowed uses. | LPI |
| Essential services. | PB |
| Service drops, as defined, for allowed uses. | Yes |
| Public and private recreational areas involving minimal structural development. | CEO[5] |
| Individual, private campsites. | CEO |
| Campgrounds | No |
| Road and driveway construction | PB[5] |
| Parking facilities | PB[5] |
| Marinas | PB |

### 5.11.9.1 Notes & Footnotes For Table of Land Uses

| | |
|---|---|
| 1 | See district for specific allowed uses. |
| 2 | Requires CEO permit if more than 100 square feet of surface area, in total, is disturbed. |
| 3 | Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the SRP area, in which case approval is required from the Planning Board. |
| 4 | Commercial food-service facilities directly related to aqua-culture may be allowed by PB. |
| 5 | Functionally water-dependent uses and uses accessory to such water dependent uses. |
| 6 | See further restrictions in Section 6.11. |
| | A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 MRSA Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, stream or brook and operates in such a manner that material or soil may be washed into them: |
| A | dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; |
| B | draining or otherwise de-watering; |
| C | filling, including adding sand or other material to a sand dune; or |
| D | any construction or alteration of any permanent structure. |

## 5.11.10 Other Uses

### 5.11.10.1 Similar Uses

**5.11.10.1.1** Uses similar to allowed uses requiring a CEO permit are allowed with CEO approval.

**5.11.10.1.2** Uses similar to allowed uses requiring PB approval are allowed with Planning Board approval.

### 5.11.10.2 Earthmoving

**5.11.10.2.1** <10 cubic Yards is allowed in all shoreland districts but requires PB (Planning Board) approval in SRP zones.

**5.11.10.2.2** >10 cubic yards requires PB approval.

### 5.11.10.3 Signs

Signs are allowed in all districts but refer to "*Article 6.21*" of the performance standards for additional information.

## 5.12 Commercial Fisheries/Maritime Activities and Education (CFMAE)

This district is similar to the CFMA district with the addition of two specified residential uses: dormitory space for maritime education/research facilities and live-in security personnel at boat storage yards.

### 5.12.1 Permitted Uses

See *"Sections 5.12.9 and 5.12.10"*

### 5.12.2 Special Exceptions

Those uses which require a Planning Board permit are construed to be special exceptions. See *"Sections 5.12.9 and 5.12.10"*

### 5.12.3 Lot Area

**5.12.3.1** Residential - 30,000 square feet

**5.12.3.2** All other permitted uses - No Minimum area required

### 5.12.4 Frontage

**5.12.4.1** All permitted uses - Minimum of 200 feet

### 5.12.5 Minimum Yard Depths - (Setback from normal high water mark)

**5.12.5.1** None for functionally water-dependent uses

**5.12.5.2** 75 feet for allowed residential uses

### 5.12.6 Maximum Heights of Buildings

**5.12.6. 1** Principal use 35 feet

**5.12.6.2** Accessory buildings - 35 feet

### 5.12.7 Maximum Lot Coverage

70%

### 5.12.8 Performance Standards

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "*Article 6"* of this Ordinance.

### 5.12.9 Table of Land Uses (CFMAE)

| LAND USE | NOTE |
|---|---|
| Non-intensive recreational uses not requiring structures such as hunting, fishing, & hiking. | Yes |
| Motorized vehicular traffic on existing roads and trails. | Yes |
| Forest management activities except for timber harvesting. | Yes |
| Timber Harvesting | Yes |
| Clearing of vegetation for approved construction and other allowed uses. | Yes |
| Fire prevention activities. | Yes |
| Wildlife management practices | Yes |
| Soil and water conservation practices | Yes |
| Mineral exploration – **2** | Yes |
| Mineral extraction including sand and gravel extraction. | PB |
| Surveying and resource analysis | Yes |
| Emergency operations | Yes |
| Agriculture | Yes |
| Aquaculture | Yes |
| Principal structures and uses | |
| One and two family residential | No |
| Multi-unit residential | PB**1** |
| Commercial | PB**5** |
| Industrial | PB**5** |
| Governmental and Institutional | PB**5** |
| Municipal Building | PB |
| Small non-residential facilities for educational, scientific, or nature interpretation purposes. | Yes |
| Structure accessory to allowed uses. | Yes |
| Piers, docks, wharves, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland | |
| Temporary | CEO |
| Permanent | PB**5** |
| Conversions of seasonal residences to year-round residences. | No |
| Home occupations. | No |
| Private sewage disposal systems for allowed uses. | LPI |
| Essential services. | PB |
| Service drops, as defined, for allowed uses. | Yes |
| Public and private recreational areas involving minimal structural development. | CEO**5** |
| Individual, private campsites. | CEO |
| Campgrounds | No |
| Road and driveway construction | PB**5** |
| Parking facilities | PB**5** |
| Marinas | PB |

### 5.12.9.1 Notes & Footnotes For Table of Land Uses

| | |
|---|---|
| 1 | See district for specific allowed uses. |
| 2 | Requires CEO permit if more than 100 square feet of surface area, in total, is disturbed. |
| 3 | Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the SRP area, in which case approval is required from the Planning Board. |
| 4 | Commercial food-service facilities directly related to aqua-culture may be allowed by PB. |
| 5 | Functionally water-dependent uses and uses accessory to such water dependent uses. |
| 6 | See further restrictions in Section 6.11. |
| | A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 MRSA Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, stream or brook and operates in such a manner that material or soil may be washed into them: |
| A | dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; |
| B | draining or otherwise de-watering; |
| C | filling, including adding sand or other material to a sand dune; or |
| D | any construction or alteration of any permanent structure. |

## 5.12.10 Other Uses

### 5.12.10.1 Similar Uses

**5.12.10.1.1** Uses similar to allowed uses requiring a CEO permit are allowed with CEO approval.

**5.12.10.1.2** Uses similar to allowed uses requiring PB approval are allowed with Planning Board approval.

### 5.12.10.2 Earthmoving

**5.12.10.2.1** <10 cubic Yards is allowed in all shoreland districts but requires PB (Planning Board) approval in SRP zones.

**5.12.10.2.2** >10 cubic yards requires PB approval.

### 5.12.10.3 Signs

Signs are allowed in all districts but refer to *"Article 6.21"* of the performance standards for additional information.

## 5.13 Harbor District (HD)

This district encompasses the traditional downtown which is an intensive mix of uses in a very small geographic area. The development patterns in this district were established during the early 1800's and perpetuated through time. The unique flavor which is Eastport developed from the small, commercial and industrial parcels which comprise much of this section of the City. Interspersed among these are many of the early residential buildings which tend to be clustered on compact lots along the bolder sections of the shoreline. The Harbor District is intended to protect and nurture these traditional development patterns. The Historic District is an overlay in part of this district, as is the Downtown Business District.

### 5.13.1 Permitted Uses

See *"Sections 5.13.9 and 5.13.10"*

### 5.13.2 Special Exceptions

Those uses which require a Planning Board permit are construed to be special exceptions. See *"Sections 5.13.9 and 5.13.10"*

### 5.13.3 Lot Area

**5.13.3.1** Residential - 30,000 square feet for newly created lots

**5.13.3.2** All water-dependent Uses - No minimum area required

**5.13.3.3** All Other Permitted Uses - 40,000 sq. ft. for newly created lots

### 5.13.4 Frontage

**5.13.4.1** All newly created lots - Minimum of 200 feet

### 5.13.5 Minimum Yard Depths - (Setback from normal high water mark)

**5.13.5.1** None for functionally water-dependent uses

**5.13.5.2** 25 feet for allowed residential uses

**5.13.5.3 All other yard depths**

| Type of Unit | Front Yard Depth | Side Yard Depth | Rear Yard Depth |
|---|---|---|---|
| 1 Family Dwelling | 20 | 7 | 20 |
| 2 Family Dwelling | 20 | 10 | 20 |
| Multiple Dwelling less than 3 Stories | 20 | 15 | 30 |
| Multiple Dwelling 3 Stories | 20 | 30 | 40 |
| All Other Uses | 20 | 20 | 35 |

**5.13.6 Maximum Heights of Buildings**

**5.13.6.1** Principal use 35 feet

**5.13.6.2** Accessory buildings 35 feet

**5.13.7 Maximum Lot Coverage**

**5.13.7.1** 70% for non-historic structures

**5.13.7.2** 100% for structures in the overlay Historic zone

**5.13.8 Performance Standards**

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "*Article 6*" of this Ordinance.

### 5.13.9 Table of Land Uses (HD)

| LAND USE | NOTE |
|---|---|
| Non-intensive recreational uses not requiring structures such as hunting, fishing, & hiking. | Yes |
| Motorized vehicular traffic on existing roads and trails. | Yes |
| Forest management activities except for timber harvesting. | No |
| Timber Harvesting | No |
| Clearing of vegetation for approved construction and other allowed uses. | Yes |
| Fire prevention activities. | Yes |
| Wildlife management practices | No |
| Soil and water conservation practices | Yes |
| Mineral exploration – 2 | Yes |
| Mineral extraction including sand and gravel extraction. | PB |
| Surveying and resource analysis | Yes |
| Emergency operations | Yes |
| Agriculture | No |
| Aquaculture | Yes |
| Principal structures and uses | |
| One and two family residential | Yes |
| Multi-unit residential | Yes |
| Commercial | Yes |
| Industrial | Yes |
| Governmental and Institutional | Yes |
| Municipal Building | PB |
| Small non-residential facilities for educational, scientific, or nature interpretation purposes. | Yes |
| Structure accessory to allowed uses. | Yes |
| Piers, docks, wharves, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland | |
| Temporary | CEO |
| Permanent | PB |
| Conversions of seasonal residences to year-round residences. | LPI |
| Home occupations. | Yes |
| Private sewage disposal systems for allowed uses. | No |
| Essential services. | Yes |
| Service drops, as defined, for allowed uses. | Yes |
| Public and private recreational areas involving minimal structural development. | CEO |
| Individual, private campsites. | No |
| Campgrounds | No |
| Road and driveway construction | Yes |
| Parking facilities | PB |
| Marinas | PB |

### 5.13.9.1 Notes & Footnotes For Table of Land Uses

| | |
|---|---|
| 1 | See district for specific allowed uses. |
| 2 | Requires CEO permit if more than 100 square feet of surface area, in total, is disturbed. |
| 3 | Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the SRP area, in which case approval is required from the Planning Board. |
| 4 | Commercial food-service facilities directly related to aqua-culture may be allowed by PB. |
| 5 | Functionally water-dependent uses and uses accessory to such water dependent uses. |
| 6 | See further restrictions in Section 6.11. |
| | A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 MRSA Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, stream or brook and operates in such a manner that material or soil may be washed into them: |
| A | dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; |
| B | draining or otherwise de-watering; |
| C | filling, including adding sand or other material to a sand dune; or |
| D | any construction or alteration of any permanent structure. |

## 5.13.10 Other Uses

### 5.13.10.1 Similar Uses

**5.13.10.1.1** Uses similar to allowed uses requiring a CEO permit are allowed with CEO approval.

**5.13.10.1.2** Uses similar to allowed uses requiring PB approval are allowed with Planning Board approval.

### 5.13.10.2 Earthmoving

**5.13.10.2.1** <10 cubic Yards is allowed in all shoreland districts but requires PB (Planning Board) approval in SRP zones.

**5.13.10.2.2** >10 cubic yards requires PB approval.

### 5.13.10.3 Signs

Signs are allowed in all districts but refer to *"Article 6.21"* of the performance standards for additional information.

## 5.14 Historical Designated District (HDD) (an overlay zone)

The intent of the Local Historic District provisions is to preserve and protect important historic structures, sites, and landmarks in the City of Eastport. The Historic District functions as an "overlay zone" for certain residential and commercial areas of the City. That is, the Historic District requirements must be met in addition to the district restrictions of its basic zoning designation (*R1, R2, B1*, etc)

### 5.14.1 Boundaries

See *"Appendix C"* for the boundaries of any Local Historic District(s) as depicted on the official Historic District map and Historic District List.

### 5.14.2 Historic Review Board

#### 5.14.2.1 Establishment of Historic Review Board

A Historic Review Board, hereinafter referred to as "the Board," is hereby established which shall consist of five members appointed by the City Council. Members of the Board shall be residents of the City of Eastport and should demonstrate an interest in the historical and architectural development of the City, and shall be appointed with due regard to the proper representation of such fields as history, architectural history, architecture, archaeology, law and building construction to the extent that such professionals are available in the community. Consideration shall be given to one member being a resident of a City-designated historic district. A municipal officer may not be a member of the Board.

#### 5.14.2.2 Term of Office

The term of office shall be three years, except that the initial appointment shall be staggered so that subsequent appointments shall not recur at the same time. The City Council shall act within sixty days to fill a vacancy, including expired terms.

#### 5.14.2.3 Officers

The members of the Board shall choose officers who shall serve one-year terms as chairperson, vice-chairperson, and secretary. The chairperson shall preside at all meetings of the Board. The vice chairperson shall perform the duties in the chairpersons absence. The secretary shall maintain a permanent record of all Board proceedings, any actions taken, and all correspondence of the Board. All records maintained or prepared by the secretary are deemed public information and shall be kept at City Hall where they may be inspected during regular business hours.

#### 5.14.2.4 Authorization

The Board shall be authorized to review alterations, relocation's, and demolition of designated historic properties under its jurisdiction. The Board shall review all new construction affecting historic properties and/or districts within its jurisdiction to determine if locally listed historic sites will be adversely affected.

#### 5.14.2.5 Jurisdiction

The boards' jurisdiction shall be limited to Historic Districts. When issuing Certificates of Appropriateness, the Board shall be concerned with those elements of development, redevelopment, rehabilitation, and/or historic preservation that affect the visual quality of the historic district. They shall not consider detail design of interior arrangements or building features not subject to public view nor shall they make any requirement except for the purpose of preventing development or demolition not consistent with the historic districts surroundings.

#### 5.14.2.6 Legal and Professional Assistance

The Board, subject to the City Council's prior consent, shall have the right to retain and pay for the services and expenses of professional help required in carrying out the purposes of this ordinance, and may submit reports and recommendations as to such matters to the City Council. In making such investigations and studies, the Board may hold such public hearings as it may deem necessary or appropriate.

#### 5.14.2.7 Meetings

All meetings of the Board must be publicly announced, open to the public, and have a previously posted agenda. Public notice must be provided prior to any special meetings.

### 5.14.3 Classification of Properties

Within a Historic District all buildings and structures shall be classified and designated as shown on the Historic Map and Local Historic District List. All buildings and structures shall be divided into two classes.

#### 5.14.3.1 Historic Buildings and Structures

Those buildings classified as historic shall possess identified historic architectural merits of a degree warranting their preservation.

#### 5.14.3.2 Contributing Buildings and Structures

Any buildings and structures not classified as historic shall be deemed contributing buildings and structures. This provision allows the presence within a local historic district of buildings and structures which are not themselves recognized as historically significant.

### 5.14.4 Establishment of Historic Districts

Upon a recommendation for establishment of a Local Historic District by the Review Board, and after Planning Board review, the City Council shall, within thirty days of the written recommendation, hold a public hearing preceded by sufficient written notice (certified mail) to the owners and occupants of the affected properties. After the hearing, the Council shall have thirty days to decide if they will adopt a resolution designating one or more historic buildings and/or structures by utilizing the following criteria.

**5.14.4.1** historic architectural and cultural significance;

**5.14.4.2** suitability for preservation or restoration;

**5.14.4.3** educational value;

**5.14.4.4** the criteria developed by the Department of Interior as guidelines for placement in the National Register of Historic Places (See *"Appendix C"*)

**5.14.4.5** Upon adoption of the resolution, the owners and occupants of each designated historic landmark shall be given written notification. (certified mail) of such designation by the Council.

**5.14.4.6** One copy of the resolution shall be filed by the Board in the Washington County Registry of Deeds.

**5.14.4.7** Once a neighborhood, block, or portion of a block has been designated as a Local Historic District by City Council, all properties within that Historic District shall conform to the provisions of this section.

### 5.14.5 Permitted Structures and Uses

These shall be defined according to the basic Zoning District within which the particular parcel lies, but subject also to the provisions of this section.

### 5.14.6 Certificate of Appropriateness

In a Local Historic District, a Certificate of Appropriateness from the Board shall be required for any of the following;

**5.14.6.1** Any demolition of an historic building or structure;

**5.14.6.2** Any moving of an historic building or structure;

**5.14.6.3** Any material change in the exterior appearance of existing historic buildings by additions, reconstruction, or alteration if subject to view from a public street.

**5.14.6.4** Any new construction of a building or accessory structure subject view from a public street or public walkway.

**5.14.6.5** Any change in existing walls and fences, or construction of new walls and fences, if along public streets, rights-of-way, or public walkways.

**5.14.6.6** Any addition or removal or material alteration of any type of exterior advertising sign or notice.

**5.14.6.7** Any material change in the exterior appearance of existing contributing buildings by addition, reconstruction, or alteration subject to view from a public street.

### 5.14.7 Development Standards

Any building or structure classified as historic (or any part thereof), including but not limited to walls, fences, light fixtures, steps, paving, and signs shall only be moved, reconstructed, altered, or maintained in a manner that will preserve its historic and architectural character

**5.14.7.2** Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any landmark which does not involve a change in design, material, color, or outer appearance thereof.

**5.14.7.2** Nothing in this ordinance shall prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the City Council certify is required by the public safety because of an unsafe dangerous condition.

### 5.14.7.4 Rehabilitation and Construction Standards

In evaluating proposed new construction, alterations, or demolition within an Historic District, the Board shall use the following general standards;

**5.14.7.4.1** Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or use of a property for its originally intended purpose.

**5.14.7.4.2** The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided if possible.

**5.14.7.4.3** All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

**5.14.7.4.4** Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

**5.14.7.4.5** Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

**5.14.7.4.6** Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, accurate duplications of features substantiated by historic, physical, or pictorial evidence should be considered. New materials should match material being replaced in composition, design, color, texture, and other visual qualities to the greatest extent possible.

**5.14.7.4.7** The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be undertaken with great care.

**5.14.7.4.8** Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

**5.14.7.4.9** Contemporary design for new construction, alterations, and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment. Refer to *"Keeping up Appearances, Main Street Storefront Guidelines"* in *"Appendix C."*

**5.14.7.4.10** Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

**5.14.7.4.11** The Board will review all new construction plans within historic districts in order to ensure visual compatibility with the surrounding buildings and environment in relation to height, gross volume, proportion, and setback.

**5.14.7.4.12** All signs shall be in keeping with the character of the historic district or building.

### 5.14.7.5 Maintenance and Repair Required

Neither the owner of nor person in charge of a structure within an historic district, or of an historic structure or landmark shall permit such structure or landmark to fall into a state of disrepair which may result in the deterioration of any exterior appurtenances or architectural feature so as to produce or tend to produce, in the judgment of the Board, a detrimental effect upon the character of the historic district as a whole or the life and character of the historic landmark or structure in question, or which could lead to a claim that demolition is necessary for public safety, including but not limited to;

**5.14.7.5.1** The deterioration of exterior walls or other vertical supports;

**5.14.7.5.2** The deterioration of roofs or other horizontal members;

**5.14.7.5.3** The deterioration of exterior chimneys;

**5.14.7.5.4** The deterioration or crumbling of exterior mortar;

**5.14.7.5.5** The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

**5.14.7.5.6** The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

### 5.14.7.6 Removal or Demolition

**5.14.7.6.1** Whenever a property owner shows that a building classified as historic is incapable of earning a fair economic return on its value, as appraised by a certified real estate appraiser, and the Review Board disapproves the issuance of a Certificate of Appropriateness permitting its demolition, such building may be demolished; provided, however, that before a demolition permit is issued, six months notice of proposed demolition shall be given. The owner shall be required to make every reasonable effort to sell the property during this period. Minimally, the owner shall put a sign on the building advertising its sale. A sales ad shall be placed in a newspaper of local circulation at least once a month for the six month period. If no purchase and sales agreement is made within the stipulated time period, the Board shall issue a Certificate of Appropriateness for demolition or removal. The Board may at any time during the stay of demolition approve a Certificate of Appropriateness in which event a demolition permit shall be issued without further delay.

**5.14.7.6.2** The purpose of this section is to further the purposes of this ordinance by preserving historic buildings which are important to the education, culture, traditions, and the economic values of the City, interested persons, historic societies or organizations, the opportunity to acquire or to arrange for preservation of such buildings.

### 5.14.7.7 Negotiation to Avoid Demolition

**5.14.7.7.1** During the above-mentioned six-month period, the Board may negotiate with the owner of the property and with any other parties in an effort to find a means of preserving the property. Such negotiations may include condemnation proceedings, recommendations of tax rebates for the property to appropriate agencies to encourage preservation, recommendation for an historic easement pursuant to the following paragraph of this ordinance, or inducements to interested third parties to purchase the property for the purpose of preserving it.

### 5.14.7.8 Site Maintenance

Vacant lots, demolition sites, and courtyards are to be maintained in order to promote the health, safety, and welfare of the public. Minimum standards for such maintenance are as follows;

**5.14.7.8.1 Demolition Sites** - In the event of demolition within a local historic district, all rubble will be removed from the site. Any salvageable materials will be removed to a separate storage site. Any excavations will be filled and the site will be graded.

**5.14.7.8.2 Fencing** - If fencing is required around any portion of a vacant lot or demolition site for the purpose of public safety, such fencing shall be constructed of painted plywood at least eight feet high or chain link fence with wind barrier strips.

**5.14.7.8.3 Landscaping** - Uncovered ground on vacant lots and courtyards should be planted with grass or other groundcover to prevent erosion.

**5.14.7.8.4 General Maintenance** - Vegetated areas should be mowed or otherwise maintained. Trash and debris should be picked up to maintain a neat, attended appearance.

### 5.14.8 Acquisition of Historic Easements

**5.14.8.1** The City may acquire, by purchase, donation, or condemnation, historic easements in any area within its jurisdiction wherever and to the extent that the City Council, upon the recommendation of the Board, determines that the acquisition will be in the public interest. For the purpose of this section, the term *"historic easement"* means any easement, restriction, covenant, or condition running with the land, designated to preserve, maintain, or enhance all or part of the existing state of places of historic, archeological, architectural, or cultural significance.

### 5.14.9 Appeals

**5.14.9.1** Any party adversely affected by a decision of the Historic Review Board, may within 30 days of the decision, file an appeal with the Eastport Zoning Board of Appeals. The applicant may appeal a decision of that board in accordance with *"Rule 80-B of the Maine Rules of Civil Procedure."*

### 5.14.10 Violations and Penalties

**5.14.10.1** Refer to *"Sections 7.10 and 7.11"* of this ordinance.

### 5.14.11 Injunctions

**5.14.11.1** Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this ordinance, the Board, with City Council approval, may make application to the Superior Court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Upon showing by the Board that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other appropriate order shall be granted without bond.

### 5.14.12 Suggested Performance Standards

See *"Appendix C"* for a list of all buildings within the Local Historic District and Historic District Map. The following recommended aids in interpreting and administering this ordinance are included as part of *"Appendix C"* and are available at City Hall.

**5.14.12.1** *"Keeping up Appearances, Storefront Guidelines; published by The National Trust for Historic Preservation."*

**5.14.12.2** "Department of the Interior Guidelines for Rehabilitating Historic Storefronts."

**5.14.12.2** "Secretary of the Interior's Standards for Rehabilitation."

## ARTICLE 6 - PERFORMANCE STANDARDS

This ordinance and the accompanying official zoning map shall be known and cited as permitted uses and uses permitted by special exceptions for any and all Districts shall conform to these performance standards, as applicable.

### 6.1 Accessory Building

**6.1.1** Non-shoreland districts, no garage or other accessory building shall be located in the required front yard. When located to the rear of the main building, the accessory building shall be set back at least three feet from the side or rear lot lines.

**6.1.2** Shoreland Districts, accessory buildings shall meet the same setback from the high water mark as principal structures. The setback provision shall not apply to structures which require direct access to the water as an operational necessity nor to functionally water-dependent uses.

### 6.2 Agriculture

The following standards shall apply to the practice of agriculture within the City of Eastport. Please consult the definition of *"agriculture" in Article 2* of this ordinance.

**6.2.1** All spreading or disposal of manure or fish wastes shall be accomplished in accordance with the *"Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine and Water Conservation Commission in July, 1972, as amended."*

**6.2.2** Agricultural activities involving tillage of soil greater than forty thousand square feet in area, or the spreading, disposal or storage of manure within the shoreland shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provision of said plan shall be considered to be a violation of this ordinance.

**6.2.3** There shall be no new tillage of soil within seventy-five feet, horizontal distance, from the shoreline, nor within twenty-five feet, horizontal distance, of tributary streams or wetlands.

**6.2.4** After the effective date of this Ordinance, newly-established livestock grazing areas shall not be permitted within seventy-five feet, horizontal distance, of the shoreline, nor within twenty-five feet, horizontal distance, of tributary streams or wetlands.

## 6.3 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 Maine Historic Preservation Commission for review and comment, at least twenty 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.

## 6.4 Automobile Graveyards and other Junkyards

**6.4.1** No automobile junkyards shall be established, operated, or maintained without first obtaining a non-transferable permit from the Eastport City Council. The permit shall be valid Until January 1 of the following year.

**6.4.2** Before granting a permit, the City Council shall hold a public hearing.

**6.4.3** No Permit shall be granted for an automobile graveyard within 600 feet of the nearest edge of the right-of-way of any highway. This may be waived if the proposed junkyard site is completely screened from the highway by a natural height of land.

**6.4.4** Any automobile graveyard shall be screened by plantings or fences of at least 6 feet in height and acceptable to the City Council. City Council may also stipulate other reasonable requirements and conditions relating to the siting, operation, and use of an automobile graveyard. These conditions may be attached to the permit.

**6.4.5** Permit fees may be assessed as prescribed by the *"MRSA as amended,"* and shall be payable in advance together with reasonable costs for publishing and posting the public notice. The applicant shall also be required to post a bond sufficient in value to cover the City's costs for cleaning up the site should this become necessary. The bond amount shall be reviewed each year on issuing a new permit, and may be changed as appropriate.

**6.4.6** All other provisions of the *"MRSA on automobile graveyards and junkyards Chapter 15, Title 30, as amended,"* shall be observed.

## 6.5 Beach Construction

Any construction which extends below the high-water mark requires a permit from appropriate State and/or Federal agencies.

## 6.6 Campgrounds

Please consult the definition of *"campground"* in *"Article 2"* of this ordinance. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following.

**6.6.1** Campgrounds shall contain a minimum of five thousand square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation and the land below the normal high-water line of a waterbody shall not be included in calculating land area per site.

**6.6.2** The areas intended for placement of a recreational vehicle, tent, or shelter, and utility and service buildings shall be set back a minimum of seventy-five feet from the normal high-water line or the upland edge of a wetland.

## 6.7 Clearing of Vegetation for Development

Clearing of trees and conversion to other vegetation is permitted for approved construction and landscaping in non-shoreland districts. In shoreland districts, different regulations apply. Except to allow for development of permitted uses, within a strip of land extending seventy-five feet, horizontal distance, from the high-water line, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows.

**6.7.1** There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a foot path not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

**6.7.2** Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25 square foot area using the following rating system.

| **Diameter of tree at four and one-half feet above ground level.** | **Points** |
|---|---|
| 2 - 4 inches in diameter | 1 |
| 4 - 12 inches in diameter | 2 |
| greater than 12 inches in diameter | 4 |

**6.7.3** Not withstanding the above provisions, no more than forty percent of the total volume of trees four inches or more in diameter, measured at four and one-half feet above ground level may be removed in any ten year period.

## 6.8 Conversion of Dwellings

**6.8.1** The conversion of any building into a dwelling, or the conversion of any dwelling so as to increase the number of dwelling units shall be permitted only if a new building for similar occupancy would be permitted in the particular district, and only when the resulting dwelling unit or units will comply with the parking and side yard requirements for new construction in the particular district and with all provisions of the shoreland sections of this ordinance, if applicable.

**6.8.2** Conversion of any existing structure for use by more than six families or any conversion which would result in one or more dwelling units containing less than 500 square feet shall be permitted only on authorization of the Board of Appeals.

## 6.9 Elevation of Buildings Above Flood Level

All land uses and building construction within the *"Designated Flood Zones"* shall comply with the requirements of the *"Eastport Floodplain Management Ordinance."*

## 6.10 Erosion and Sedimentation Control

**6.10.1** All activities which involve filling, grading, excavation or similar projects which result in un-stabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

**6.10.1.1** Mulching and re-vegetation of disturbed soil;

**6.10.1.2** Temporary runoff control features such as hay bales, silt fences or diversion ditches;

**6.10.1.3** Permanent stabilization structures such as retaining walls or rip rap.

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

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

**6.10.4** Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of rip rap, sod, seed and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine months of the initial date of exposure. In addition:

**6.10.4.1** Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.

**6.10.4.2** Anchoring the mulch with pegging, netting and twine or other suitable method may be required to maintain the mulch.

**6.10.4.3** Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

**6.10.5** Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a 25 year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

## 6.11 Essential Services

Please refer to definition of *"essential services" in "Article 2"* for further information.

**6.11.1** Where feasible, the installation of essential services shall be limited to public ways and existing service corridors.

**6.11.2** The installation of essential services is not permitted in the SRP districts except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

## 6.12 Fences

Fences, walls, and similar boundary structures for side and back property lines shall not exceed seven feet in height. Fences and walls for front property lines shall not exceed four feet in height. Higher fences may be permitted by approval of the CEO. Fences and walls shall be constructed of materials such as wood, brick, concrete or wire, and shall be designed and constructed so as to present a finished, neat appearance on the street side or to an adjacent property.

## 6.13 Filling Grading or Other Earth Moving

The following provisions shall apply to filling, grading, lagooning, dredging, excavation, processing and storage of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling, grading, lagooning, dredging, and other earth-moving activity which would result in sedimentation, erosion, or impairment of water quality or fish and aquatic life is prohibited.

**6.13.1 Earth-moving not Requiring an Earth-moving permit.** The following earth moving activities shall be allowed without an earth-moving permit.

**6.13.1.1** The removal or filling of material incidental to construction, alteration or repair of a building or in the grading and landscaping incidental thereto;

**6.13.1.2** The removal or filling of less than fifty cubic yards of material from or on any lot in any one year (ten cubic yards in shoreland district);

**6.13.1.3** The removal, filling, or transfer of material incidental to construction, alteration or repair of a public or private way or essential service.

**6.13.2 Earth-moving Requiring an Earth-moving Permit.**

**6.13.2.1** All other earth-moving, processing and storage shall require an earthmoving permit issued by the Code Enforcement Officer.

**6.13.3** Application for Permit. Application for a permit for excavation, processing and storage of soil, loam, gravel, rock and other mineral deposits shall be accompanied by a plan which accurately shows existing and proposed conditions. The CEO may request that the plan be developed by a professional architect or engineer. The plan shall show:

**6.13.3.1** The name and current address of the owner of the property involved;

**6.13.3.2** The location and boundaries of the lot or lots for which the permit is requested;

**6.13.3.3** The existing contours of the land within the property, shown in five foot contour intervals or less (the CEO may request that five foot contours be shown for a 50 foot distance beyond the boundaries of the property if surrounding properties are likely to be impacted);

**6.13.3.4** The contours as proposed following completion of the operation, shown in five foot contour intervals or less.

**6.13.3.5** The location of all proposed access roads and temporary structures;

**6.13.3.6** The proposed provisions for drainage and erosion control;

**6.13.3.7** Other information necessary to indicate the physical characteristics of the proposed operation.

### 6.13.4 Conditions of Permit

**6.13.4.1** The performance standards relating to erosion and sedimentation must be followed as part of the permit. The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.

**6.13.4.2** With the exception of earth-moving not requiring a permit as specified in 6.11 no below grade excavation except for drainage ways shall be allowed within fifty feet of any lot line or public road.

**6.13.4.3** Topsoil or loam shall be restored to a depth of not less than four inches.

**6.13.4.4** The CEO may impose other reasonable conditions relating to methods of removal, hours of operation, routes for transporting material, cleaning, and repair of streets used in removal activity, and the like.

### 6.13.5 Surety and Terms of Permit

**6.13.5.1** When issuing a permit for earth moving activities, the CEO may require a bond or other security to ensure compliance with any conditions imposed.

**6.13.5.2** A permit shall be valid for a reasonable period of time, but not longer than three years.

**6.13.5.3** A permit may be renewed for additional periods.

### 6.13.6 Existing Operations

**6.13.6.1** Discontinuance of any existing operation for a period of more than one year shall require application for a new permit.

**6.13.6.2** Continuation of any existing operation for more than three years shall require a permit from the CEO.

## 6.14 Individual Private Campsites

Please consult the definition of *"Individual Private Campsite"* in Article 2" of this ordinance. Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

**6.14.1** One campsite per lot existing on the effective date of this ordinance, or thirty thousand square feet of lot area within the shoreland zone, whichever is less, may be permitted.

**6.14.2** Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 75 feet, horizontal distance, from the normal high water line or the upland edge of a wetland.

**6.14.3** Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structures except canopies shall be attached to the recreational vehicle.

**6.14.4** The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand square feet.

**6.14.5** 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.

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

## 6.15 Mineral Exploration and Extraction

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 square feet of ground surface. A permit form the CEO 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. Mineral extraction may be permitted under the following conditions:

**6.15.1** Except in Districts RR and I, quarrying and sand and gravel pits, are expressly prohibited within the corporate limits of the City of Eastport.

**6.15.2** In Districts RR and I, conditions may be imposed which are necessary to minimize the adverse impacts associated with, such mineral extraction's.

## 6.16 Mobile Home Parks

Mobile home Parks shall comply with the rules and regulations of *Title 30-A Section 4358, ss.3.*

## 6.17 Off Street Parking and Loading

### 6.17.1 Basic Requirements

In any district, no permitted use of a property shall be authorized or extended, and no building or structure shall be constructed or enlarged, unless there is provided off-street automobile parking space within three hundred feet of the principal building, structure, or use of the property. Parking areas shall conform with the following schedule of parking requirements. An area of two hundred square feet appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as one off-street parking space. No required parking space shall serve more than one use. No off-street parking facility shall have more than two entrances or exits on the same street, and no entrance or exit shall exceed 33 feet in width. Parking areas with more than two parking spaces shall be arranged so that vehicles can be turned around within such areas and are prevented from backing into the street. For parking areas for more than five vehicles, a plan showing layout, lighting, buffer areas, etc. shall be presented to the Planning Board for review and approval.

### 6.17.2 Schedule of Minimum Off-Street Parking Requirements

**6.17.2.1** Two spaces per dwelling unit.

**6.17.2.2** One space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel, plus a minimum of two spaces for the dwelling unit for the owner or manager, except that the number of required parking spaces established by Federal and State Regulations for elderly and family type housing may be accepted with the approval of the Planning Board.

**6.17.2.3** One space for each tent or recreational vehicle site in a campground.

**6.17.2.4** One space for each six beds for other institutions devoted to the board, care, or treatment of persons, plus one space for each person employed on the largest shift.

**6.17.2.5** One space for each three hundred fifty (350) square feet or fraction thereof, of floor area of any retail, wholesale, or service establishment, office, or professional building. The Planning Board may waive this requirement in the Downtown Business District if adequate municipal parking is available.

**6.17.2.6** One space for each three seats, permanent or otherwise, for patron use in restaurants and other places serving food or beverages, and for theaters, auditoriums, and other places of amusement or assembly. The Planning Board may waive this requirement in the Downtown Business District if adequate municipal parking is available.

**6.17.2.7** One space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial, institutional or other permitted uses.

**6.17.2.8** Adequate spaces shall be provided to accommodate customers, patrons, and employees at automobile service stations, drive-in establishments, open air retail businesses and amusements and other permitted uses not specifically enumerated. The Board of Appeals shall determine these requirements on a case-by-case basis.

### 6.17.3 Off-Street Loading

In any district where permitted, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading, unloading or storage upon any public way. The Planning Board may waive this requirement in the Downtown Business District.

### 6.17.4 Landscaping Between Non-Residential Parking Areas and Residential Uses

Required Parking and loading spaces for nonresidential uses where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than eight feet in width containing evergreen shrubs, trees, fences, walls, berms, or combinations thereof, forming a visual barrier not less than six feet in height along exterior lot lines adjoining all residential properties, except that driveways shall be kept open to provide visibility for vehicles entering and leaving.

## 6.18 Piers, Docks and Other Shoreland Construction

In addition to Federal and State permits which may be required for such structures and uses, the following conditions shall apply:

**6.18.1.1** Temporary structures which remain in the water for less than seven months in any period of twelve consecutive months require a permit from the CEO.

**6.18.1.2** Permanent structures or those which remain in or over the water for seven months or more in any period of twelve consecutive months, require a permit from the Planning Board.

**6.18.1.3** Piers and wharves require an on-site public hearing and permission of the City Council.

## 6.19 Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

**6.19.1** Roads and driveways shall be set back at least seventy-five feet from the normal high-water line or from the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body or wetland.

**6.19.2** On slopes of greater than twenty percent, the road and/or driveway setback shall be increased by ten feet for each five percent increase in slope above twenty percent. This sub-section shall apply neither to approaches to water crossings nor to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline due to an operational necessity.

**6.19.3** Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a waterbody.

**6.19.4** New roads and driveways are prohibited in a SRP district except to provide access to permitted uses within the District, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line or from the upland edge of a wetland.

**6.19.5** Road banks shall be no steeper than a slope of two horizontal to one vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in the sub-section on Erosion and Sedimentation.

**6.19.6** Road grades shall be no greater than ten percent except for short segments of less than two hundred feet.

**6.19.7** In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the run-off and to minimize channelized flow of the drainage through the buffer strip.

**6.19.8** Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

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

| ROAD GRADE - % | SPACING - feet |
|---|---|
| 0 – 2 | 250 |
| 3 – 5 | 200 - 135 |
| 6 – 10 | 100 - 80 |
| 11 – 15 | 80 - 60 |
| 16 – 20 | 60 - 45 |
| greater than 20 | 40 |

**6.19.8.2** Drainage dips may be used in place of ditch relief culverts only where the road grade is ten percent or less.

**6.19.8.3** On road sections having slopes greater than ten percent, ditch relief culverts shall be placed across the road at approximately a thirty degree angle downslope from a line perpendicular to the centerline of the road.

**6.19.8.4** Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials. (Consult Road Commissioner)

**6.19.9** Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

## 6.20 Septic Waste Disposal

All subsurface sewage disposal systems shall be installed in conformance with the *State of Maine Subsurface Wastewater Disposal Rules.*

## 6.21 Signs

The following provisions shall apply to signs in all Districts where permitted;

### 6.21.1 Types and Sizes of Signs

**6.21.1.1** Signs related to goods and services sold on the premises and to industrial uses shall be permitted with the following size restrictions:

- Six (6) square feet for signs that are integral with the building;
- Sixteen (16) square feet for signs in Zone B1 (Downtown Business);
- Thirty-Two (32) square feet in Zone B2 (Highway Business);
- Twelve (12) square feet where no other restrictions apply.

No more than two (2) signs allowed per premises or business. Permanent signs not related to goods and services offered on the premises are not allowed.

**6.21.1.2** A sign with information on both sides shall be considered one sign.

**6.21.1.3** No sign shall exceed twenty feet in height.

**6.21.1.4** Signs may be illuminated only by shielded non-flashing lights.

**6.21.1.5** Exterior business signs larger than six square feet and integral with the building may be permitted by the Board of Appeals for retail and service businesses, but not for home occupations. In certain zones the Board of Appeals may allow more than two signs per premises under exceptional circumstances.

**6.21.1.6** Residential uses may display a single sign not over three square feet in area relating to the sale, rental or lease of the premises.

**6.21.1.7** Name signs shall be permitted, provided that such signs shall not exceed two signs per premises or exceed two square feet in area.

**6.21.1.8** Signs relating to trespassing or hunting shall be permitted without restriction as to number provided that no such sign shall exceed two square feet in area.

**6.21.1.9** Banners, pennants or flags with the words "open" "sale" or similar may be allowed in addition to permitted signs. These items may be placed two per premises, and size restrictions of fifteen square feet apply.

**6.21.1.10** Signs relating to public safety shall be permitted without restriction.

### 6.21.2 Location and Illumination

**6.21.2.1** No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording the sign may obstruct the view of, or be confused with any authorized traffic sign, signal or device, or otherwise constitute a hazard to pedestrian or vehicular traffic. Advertising devices placed upon public sidewalks shall be located as close to the building as possible, cover not more than twenty-five percent of the width of the sidewalk in question and be displayed only during regular business hours.

**6.21.2.2** Flashing, moving or animated signs are prohibited.

**6.21.2.3** No sign shall extend or project beyond a street line or other lot line, except that in the B1 District, signs may project a maximum of four feet from a building front.

## 6.22 Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution (whether during or after

construction). Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses in the shoreland zone shall require a soils report based on an on-site investigation and prepared by State-certified professionals.

### 6.23 Storm Water Runoff

The following standards shall apply within the City.

**6.23.1** All new construction and development shall be designed to minimize storm water run-off from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, (berms, swales, terraces and wooded areas) shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

**6.23.2** Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

### 6.24 Swimming Pools

All swimming pools, whether private or public, shall conform to the safety Provisions on enclosures in *"Title, 22 1631-1635 MRSA as amended."*

### 6.25 Timber Harvesting

In the shoreland district, selective cutting of no more than forty percent of the total volume of trees four inches or more in diameter measured at four and one-half feet above ground level on any lot in any ten year period is permitted. A waiver of the 40% limitation may be granted by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such exemption is necessary for good forest management. Notification of such waivers must be sent to the DEP. In addition:

**6.25.1** Within seventy-five feet, horizontal distance, of the normal high-water line, or the upland edge of a wetland, or of a tributary stream, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing groundcover shall be maintained.

**6.25.2** At distances greater than seventy-five feet, horizontal distance, of the normal high-water line or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten thousand square feet in the forest canopy. Where such openings exceed five thousand feet, they shall be at least one hundred feet apart. Such clear-cut openings shall be included in the calculations of total volume removal. For the purposes of these standards, volume may be considered to be equivalent to basal area.

**6.25.3** No accumulation of slash shall be left within fifty feet of the normal high-water line. In all other areas, slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground. Any debris that falls below the normal high-water line shall be removed.

### 6.26 Vision Clearance

For a distance of twenty feet from the intersection of any two streets, no wall, fence, sign or other structure and no hedges, trees, or other growth shall be permitted which will materially impede vision between a height of two and one-half feet to ten feet above curb level.

### 6.27 Water Quality Protection

No activity shall deposit on or into the ground or discharge into the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the waterbody.

### 6.28 Public Artwork

The City Council may appoint a committee to assist with the selection of public artwork. In issuing a request for proposals, the committee will provide a prospectus detailing requirements for the artwork. The process for selecting public artwork shall include review, as appropriate, by the Planning Board, Zoning Board of Appeals, and the Historic Review Board. The City Council shall make final approval.

Guidelines for the selection of artwork shall include the following criteria: artwork shall reflect the history, spirit, and character of the community; artwork shall be related in terms of scale, material, form, and content to adjacent buildings and landscaping so that it complements the site and surrounding environment; and artwork shall be durable relative to the elements, theft and vandalism, with consideration given to short-term and long-term maintenance.

## ARTICLE 7 ADMINISTRATION

### 7.1 Enforcement

The Ordinance shall be administered and enforced by the CEO who shall be appointed by the City Council and re-appointed annually, before July 1st.

### 7.2 Permit Required

No person shall, without first obtaining a permit, engage in any structural alteration, activity or use of land or structure requiring a permit in the district in which such activity or use would occur, renew a discontinued use, or expand, change, or replace an existing use or structure. For removal of a structure a demolition permit is required.

### 7.3 Application for Building or Use Permit

**7.3.1** All applications for building or use permits or demolition permits shall be submitted in writing to the CEO on forms provided for the purpose. A building permit application must be signed by the owner of the property or his/her authorized agent. The proposed construction or alteration of building or structure shall comply with all provisions of this Ordinance and with special decisions made by the Board of Appeals or the Planning Board.

**7.3.2** If required by the Code Enforcement Officer, a building permit application shall be accompanied by a plan, accurately drawn to an appropriate scale, showing the shape and dimensions of the lot to be built upon, the exact location and size of new buildings to be constructed, and information needed by the CEO, Planning Board, or Board of Appeals to determine whether the provisions of this Ordinance are being observed.

**7.3.3** Once a building or use permit or demolition permit application has been filed, the CEO shall approve, deny, or refer to the Board of Appeals and/or the Planning Board within seven business days. This decision shall be in writing on a form designed for the purpose, and shall be sent directly to the applicant. One copy of the CEO's decision shall be filed in the office.

**7.3.4** In cases where the CEO deems that a special exception permit or other special permit is required, a copy of the decision shall be provided to the Board of Appeals or to the Planning Board as appropriate.

**7.3.5 Failure** of the CEO to issue a written notice of decision to the applicant within 7 business days from the date of filing of the application shall constitute refusal of the application. Once a building permit has been granted, a copy of the permit shall be maintained on the property or project site as soon as construction begins.

**7.3.6** After submission of a complete application to the Planning Board, the Board shall, within 35 days, approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

**7.3.6.1** Will maintain safe and healthful conditions;

**7.3.6.2** Will not result in water pollution, erosion, or sedimentation to surface waters;

**7.3.6.3** Will adequately provide for the disposal of all wastewater;

**7.3.6.4** Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

**7.3.6.5** Will conserve shore cover and points of access to coastal waters;

**7.3.6.6** Will protect archaeological and historic resources as designated in the comprehensive plan;

**7.3.6.7** Will not adversely affect existing commercial fishing or maritime activities in a CFMA district;

**7.3.6.8** Will avoid problems associated with flood plain development and use; and

**7.3.6.9** Is in conformance with the provisions of Article 6 Performance Standards.

**7.4** If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

**7.5** If no substantial construction progress has been made within twelve months of the date the permit was issued, the permit shall expire.

## 7.6 Plumbing Permit Required

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid plumbing permit has been secured by the applicant or his authorized agent in conformance with the sanitary provisions of the State Plumbing Code.

## 7.7 Permit Fees

Before a building permit is issued, the applicant shall pay a fee as follows:

**7.7.1** For construction costs up to $5,000; a fee of $10.00.

**7.7.2** For construction costs of more than $5,000: a fee of $10.00 per $5,000 or fraction thereof of estimated construction value.

**7.7.3** Estimated construction value shall be determined by the CEO according to the assessment currently in use in the City of Eastport.

**7.7.4** Before an earthmoving Permit is issued, the applicant shall pay a fee of $10.00.

**7.7.5** Additional activities such as subdividing of land or buildings, floodplain zone permits and airport height restriction permits have an associated fee. These fee schedules are listed in the respective ordinances. The CEO can provide assistance in such matters.

**7.7.6** When applications for special permits are submitted to the Zoning Board of Appeals, subsequent to the activity having been commenced or completed, for which the application is being made, the permit fee shall be $250. An additional fee of $250 per year, or part there of, shall be required beyond the first year of non-compliance. Such fee shall be in addition to the $75 filing fee.

**7.7.7** Applications submitted to the Planning Board, for which a public hearing is required, shall be accompanied by a filing fee sufficient to cover the cost of public hearing publication and notices. In no case shall the filing fee be less than $75.

**7.7.8** A fee of $50.00 will be charged for applications for Certificate of Appropriateness from the Historic Review Board for work requiring a building permit if the application is made after work has commenced.

## 7.8 Occupancy Permit

**7.8.1** Prior to the occupancy of any new building, the person or organization that received a valid building permit shall secure an occupancy permit from the CEO. The occupancy permit shall state that the new structure conforms to all codes and ordinances of the City. Prior to the issuance of the permit, the CEO shall check to see that all requirements under this ordinance and other City ordinances have been met.

**7.8.2** Any person or organization that occupies a new building in the City prior to the issuance of an occupancy permit is in violation of this Ordinance and is subject to its penalties.

## 7.9 Performance Bonds

In addition to the building permit fee, an applicant may be required to provide a performance bond for construction, use or demolition. Generally the need for a bond shall be determined by possible costs to the City for either granting the use or correcting problems caused by poor performance of the applicant. The need for a performance bond, and the amount thereof, shall be determined by the City Council, Planning Board or the Board of Appeals, as appropriate.

## 7.10 Violations and Legal Action

**7.10.1** When any violation of any provision of this ordinance shall be found to exist, the CEO shall send a written notice to the individual or organization responsible for the violation. In the case of a construction violation the written notice shall be a stop-work order. Upon receiving a stop-work order, the responsible person shall secure any dangerous or unsteady parts of the construction project, and then shall cease all further construction activities.

**7.10.2** In the case of violation of the terms of any, special permit or conditional use, the permit shall not be suspended or revoked without a public hearing. Written notice of the hearing shall be sent to the permittee not less than 10 days before the hearing. The notice shall state the time and place of the hearing, and shall also contain a statement of the alleged violation of any condition or restrictions inserted in the permit. After the public hearing, the City Agency which granted the permit shall make a decision within thirty days.

**7.10.3** When the above action(s) does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notification from the CEO, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the impositions of fines that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the City. The City Council, 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 municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health or safety or will result in substantial environmental damage.

### 7.11 Fines

Any person, including but not limited to, a landowner, landowner's agent or a contractor, who orders or conducts any activity in violation of this ordinance shall be penalized in accordance with *"Title, 30-A MRSA ss 4452 as amended."*

## ARTICLE 8 - APPEALS AND SPECIAL PERMITS

### 8.1 Authority

**8.1.1** All appeals or applications for non-shoreland district special exception permits shall be based on a written decision of the CEO, and shall be decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.

**8.1.2** Applications for certain special permits, including special exception permits in any shoreland zone and earth moving in the shoreland zone, shall be decided by the Planning Board.

**8.1.3** Applications for new construction, alteration, or demolition in any Historic District, shall be decided by the Historic Review Board in conjunction with and with the approval of the Planning Board in accordance with the provisions of this Ordinance. In addition, no building permit for the subdivision of land or structures shall be issued without prior site plan review and approval by the Planning Board.

**8.1.4** Applications for changing the Zoning District for any property shall be made to the Planning Board. The Planning Board shall review the application and make its recommendations to the City Council, who will make the final decision on the zoning change request in accordance with the provisions of this Ordinance.

### 8.2 Board of Appeals

#### 8.2.1 Establishment and Organization

**8.2.1.1** A Board of Appeals is hereby established in accordance with *"Title 30-A MRSA Section 2691 as amended."*

**8.2.1.2** The Board of Appeals shall consist of seven members and one associate member, all appointed by the City Council. Members of the Board of Appeals shall be appointed for terms of five years. When a member is unable to act because of conflict of interest, illness, or absence, the associate member shall act in his/her stead. Permanent vacancies shall be filled for the unexpired term of any member who resigns or is removed for cause.

### 8.2.2 General Procedures

**8.2.2.1** The Board of Appeals shall elect a chairman and a secretary from its own membership, and shall adopt rules necessary for the conduct of its business. All deliberations of the Board of Appeals shall be open to the public.

Meetings shall be held at the call of the chairman and at such other times that the Board may determine necessary. The chairman may administer oaths and compel the attendance of witnesses. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, absence or failure to vote, and shall also keep records of its other official actions. These records shall be made public record.

**8.2.2.2** Four members of the Board of Appeals shall constitute a quorum. A member who abstains shall not be counted in determining whether a quorum exists. The Board shall act by resolution. The concurring vote of a majority of a quorum of the Board of Appeals shall be necessary to reverse any order or determination of the CEO, or to grant any variance or special exception permit. Requests for appeals, variances, or special exception permits may be of interest to adjacent property owners. If objections in writing signed by at least 10% of the owners of properties within 200 feet of the subject property are presented to the Board of Appeals, a minimum of four votes shall be required for the granting of the appeal, variance, or permit. The Board of Appeals may reconsider any decision within thirty days of its prior decision. The board may conduct additional hearings and receive additional evidence and testimony.

### 8.2.3 Powers and Duties

**8.2.3.1** Administrative Appeals: to hear and decide, where a person or organization appeals a decision made by the CEO, in the enforcement of this Ordinance.

**8.2.3.2** Variance Appeals: to hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and a literal enforcement of this Ordinance would result in unnecessary or undue hardship.

**8.2.3.3** The term "undue hardship" shall mean:

**8.2.3.3.1** That the land in question cannot yield a reasonable return unless a variance is granted;

**8.2.3.3.2**That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;

**8.2.3.3.3** That the granting of a variance will not alter the essential character of the locality; and

**8.2.3.3.4** That the hardship is not the result of action taken by the applicant or a prior owner.

**8.2.3.4** A variance is not justified unless all elements are present in the case.

**8.2.3.5** As used in this ordinance, a variance can be granted only for dimensional requirements. Construction, establishment, or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of non-conforming uses in the Zoning District or uses in adjoining Districts. The Board of Appeals may prescribe conditions and safeguards as are appropriate under this ordinance.

**8.2.3.6** A copy of all shoreland variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen days of the decision.

**8.2.3.7 Special Exception Permits**

To hear and decide special exceptions for which the Board has authority under the terms of this Ordinance. An exception may be granted only for a use which is specifically listed in this ordinance as a permitted exception in the district in which the exception is requested, or for uses similar in character to listed uses, and only if the Board is satisfied that the welfare of the zone or neighborhood in which the proposed use or structure is to be located will not be adversely effected. In granting an exception, the Board may require appropriate conditions or safeguards. Violations of such conditions shall be deemed a violation of this Ordinance.

### 8.2.4 Administrative Appeal Procedure

**8.2.4.1** A person aggrieved by a decision of the CEO shall commence his appeal within 30 days after a decision is made by that officer. The appeal shall be filed with the Board of Appeals on forms provided for that purpose, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

**8.2.4.2** An applicant for an administrative appeal shall deposit with the City of Eastport Clerk, at the time of filing the appeal, a deposit of $75.00. The Board of Appeals shall not begin the review process until this deposit has been filed. The $75 deposit shall be refunded to the applicant if the Board of Appeals reverses the decision of the CEO. If the appeal is rejected, however, the applicant shall forfeit the $75.00 deposit.

**8.2.4.3** Before taking action on any administrative appeal, the Board of Appeals shall hold a public hearing. The public hearing shall take place within 30 days of the filing of the appeal. The Board shall publish notice at least ten days in advance in a local newspaper.

**8.2.4.4** Following the public hearing, the Board of Appeals shall meet to make their decision. Voting procedures shall be as specified in Section 8.2.2. The board's decision shall be given to the applicant in writing. Failure of the Board of Appeals to issue a written notice of its decision within 60 days of the appeal shall constitute approval of the appeal. The Board of Appeals may extend their review period a maximum of an additional 30 days. In the event of such an extension, a written notice shall be sent to the applicant advising him or her of this extension.

#### 8.2.4.5 Variance Appeal Procedure

**8.2.4.5.1** A person or organization may file an appeal for a variance with the Board of Appeals. The appeal shall be made in writing on forms provided for this purpose. The form shall be accompanied with any plans or other documents which would assist the Board in their evaluation of the appeal. An applicant for a variance appeal shall deposit with the City Clerk, at the time of filing the appeal, a non-refundable deposit of $75. The Board of Appeals shall not begin their review process until this fee has been filed. The applicant shall not be liable for any further normal public hearing costs, regardless of the Board's decision on the appeal. However, for unusual cases in which the Board of Appeals may need legal or other special advice, the Board may request the applicant to share in these additional costs. The Board of Appeals and City Council shall confer with the applicant to determine share of costs before retaining any special services.

**8.2.4.5.2** The procedures for public hearings and Board of Appeals decisions for variance appeals shall be the same as those for administrative appeals with the addition of individual notification of abutting property owners. The Board shall also make its decision according to the provisions set forth in the section on Powers and Duties above.

### 8.2.4.6 Special Exception Permit Procedures

**8.2.4.6.1** An applicant requesting a special exception permit from the Board of Appeals shall post a sign on the subject property at the time that the permit request is filed. The sign shall be at least one foot square in size, must be visible from the street, and must clearly state the owner's desire to obtain a special exception Permit for a particular use.

**8.2.4.6.2** The Board of Appeals: may, at its discretion, request the Planning Board to review the special exception request. Recommendations from the Planning Board to the Board of Appeals on such matters are not, however, binding.

**8.2.4.6.3**The procedures for a non-refundable $75 filing fee and other costs, public hearings and Board of Appeals decisions for special exception permits shall be the same as those for variance appeals. The Board shall also make its decision according to the provisions set forth in the section on "Powers and Duties" above.

## 8.3 Appeals to the Superior Court

**8.3.1** Appeals may be taken from the Board of Appeals to the Superior Court. The appeal to the Superior Court shall be made within 30 days after the decision of the Board. Notice of the appeal shall be ordered by the Court, and the appeal shall be tried and determined by the Court without a jury in a manner provided by law for such cases. Costs may be awarded to the prevailing party by the Court.

## 8.4 Other Special Permits

**8.4.1** An individual or organization seeking a special permit for special exception uses in a shoreland zone, earthmoving of more than 10 cubic yards in the shoreland zone, or new construction, alteration or demolition in any Historic District, shall submit a request in writing to the Planning Board and the Historical Review Committee on forms provided for this purpose. The application shall be accompanied with any plans or other documents that would assist the Planning Board in their evaluation of the proposal.

**8.4.2** Planning Board public hearings shall be held within thirty days of the filing of the permit application. Notice of the hearing shall be advertised at least ten days in

advance in a newspaper of local circulation. After the public hearing, the Planning Board shall meet and make their decision in accordance with the provisions of this Ordinance and the merits of the particular application. The concurring vote of a majority of a quorum of the Planning Board shall be necessary for a decision.

### 8.5 Subdivision Review and Approval

**8.5.1** The Planning Board shall be responsible for review and approval of site plans for all subdivisions according to the provisions of the *"Maine Subdivision Law Title 30."* All other provisions of the State law must be observed by the owner of a proposed subdivision.

### 8.6 Change of Zoning District

A change of the Zoning District designation for any property shall constitute an Amendment of this ordinance and procedures shall be as provided for in *"Section 3.5 Amendment."*

**8.6.2** For any change of Zoning District, the Planning Board has advisory powers; the Eastport City Council has decision-making powers. The Board of Appeals is not authorized to grant changes in the Zoning District designation.

**8.6.3** When a person or organization petitions for rezoning of an area for the purpose of development in accordance with an architect's plan, the area shall not be rezoned unless the petitioner posts a performance bond equal to at least 10% of the estimated cost of the development. City Council may request a larger bond. The bond shall become payable to the City if the petitioner fails to begins construction in a substantial manner in accordance with the plan within one year of the effective date of the rezoning.

**8.6.4** Any changes in Zoning District designation for any property as decided by City Council shall be documented both in writing and on the official Zoning Map. In addition, publication of the final decision shall be made in a newspaper of general circulation.

# APPENDIX "A"
# RECORD OF REVISIONS

| *SECTION* | *PAGE* | *DATE* | *CHANGE* |
|---|---|---|---|
| 5.4.1.1 | 5-7 | 03-04-91 | Replace barbershop with hairdressing establishment |
| 5.1.2 | 5-1 | 03-04-91 | Add hairdressing establishments |
| 5.3.2 | 5-5 | 03-04-91 | Add hairdressing establishments |
| 5.4 | MAP | 07-06-98 | Change lots I7-A4-28 & I7-B4-03 corner of Sullivan and Water Streets from R2 to B1 district. |
| 5.6.2 | 5.11 | 12/02/96 | Add /commercial recreation / Superior Court Docket 97-52 |
| 5.2.5.1 | 5-5 | 03-08-99 | Remove/Without Public Sewer |
| 5.2.5.2 | 5-5 | 03-08-99 | Remove/With Public Sewer |
| 5.2.5.2 | 5-5 | 03-08-99 | Remove/5.2.5.2.1&2&3 |
| 5.2.5 | 5-5 | 03/08/99 | Re-number/5.2.5.1.1&2&3 to 5.2.5.1&2&3 |
| 2 | 2-6 | 10/16/00 | Add definition; Municipal Building |
| 5.1.2 | 5-1 | 10/16/00 | Add Special Exception Use/ Municipal Building |
| 5.2.2 | 5-3 | 10/16/00 | Add Special Exception Use/ Municipal Building |
| 5.3.2 | 5-5 | 10/16/00 | Add Special Exception Use/Municipal Building |
| 5.4.2 | 5-7 | 10/16/00 | Add Special Exception Use/Municipal Building |
| 5.5.2 | 5-9 | 10/16/00 | Add Special Exception Use/Municipal Building |
| 5.6.2 | 5-11 | 10/16/00 | Add Special Exception Use/Municipal Building |
| 5.7.9 | 5-14 | 10/16/00 | Add Municipal Building PB |
| 5.8.9 | 5-18 | 10/16/00 | Add Municipal Building PB |
| 5.9.9 | 5-22 | 10/16/00 | Add Municipal Building PB |
| 5.10.9 | 5-26 | 10/16/00 | Add Municipal Building PB |
| 5.11.9 | 5-29 | 10/16/00 | Add Municipal Building PB |
| 5.12.9 | 5-32 | 10/16/00 | Add Municipal Building PB |
| 5.13.9 | 5-36 | 10/16/00 | Add Municipal Building PB |
| 5.7.9 | 5-14 | 01/08/01 | Change Municipal Building PB to Municipal Building No |
| 5.6.2 | 5-11 | 02/16/01 | Add: commercial recreation, Wording Added |
| 6.21.2.4 | 6-14 | 07/09/01 | Add: and exempted from maximum area requirements of section 6.21.1.1 |
| 6.14.6 | 5-41 | 09/10/01 | Delete: before a permit to proceed is issued |
| 3.2.5.1 | 3-3 | 09/10/01 | Add: for the existing structures & provided such expansions conform to the requirements of the zoning district.<br>Delete: as permitted in 3.2.3.1.1 above |
| 5.6.2 | 5-11 | 05-13-02 | Delete: intended to primarily service the industrial area |
| 7.7.6 | 7-3 | 09-09-02 | Add Paragraph for $250 fee for ZBA Permit applied for after construction has commenced or completed |
| Article 2 | 2-4 | 09-09-02 | Add to the definition of Home Occupation the words Buying and Selling of antiques |
| Article 2 | 2-1 | 09-09-02 | Change definition of Automobile Graveyard or Junkyard To read: "unserviceable, inoperative, discarded, worn-out or junked" |

| ***SECTION*** | ***PAGE*** | ***DATE*** | ***CHANGE*** |
|---|---|---|---|
| Article 2 | 2-5 | 05-12-03 | Add: or private and documented right-of-way to Lot definition |
| 7.7.6 | 7-3 | 06-10-03 | Add additional language increasing the fee for ZBA "permits after the fact" by $250.00 for each year the non-permitted activity existed. |
| 5.4.3.3 | 5-7 | 06-16-03 | Add Section restricting / prohibiting residential uses of the 1st floors in the downtown within the B1 district |
| Article 2 | 2-9 | 07-14-03 | Add to the definition of structure the words "and stairs pursuant to DEP Chapter 1000 Section B Paragraph 5. |
| 5.6.1.1 | 5-12 | 10-06-03 | Add the words "church or temple" to permitted uses within the Industrial Zones |
| Appendix (C) | Map & List | 10-20-03 | Include all City Owned Property located in the (B1) District in the Historic Designated District. |
| Appendix (C) | Map & List | 10-20-03 | Replace Map & List with those approved by The Historic Review Board on 07/17/03 |
| 5.3.3.1 | 5-6 | 01-12-04 | Add Paragraph 5.3.3.1 reducing the Front Yard Setback for lots on the N. side of Sullivan St. to 10ft. |
| 5.10.6.3 | 5-26 | 05-10-04 | Add Paragraph 5.10.6.3 allowing building height within the SGD Zone to be measured from the original grade down slope or the Base Flood Elevation |
| 2 | 2-1 | 07-12-04 | Change the definition of "Automobile Graveyard or Junkyard" To that of Title 30-A MRSA ss3752 |
| 6.21.1.1 | 6-13 | 11-08-04 | Change the maximum sign size to 12' in Residential Zones and 16' in the B1 Business Zone |
| Map | 5-29 | 12-13-04 | Change the zoning designation of 26 Deep Cove Road H4-D2-2, from SGD to CFMA |
| 5.14.7.4.11 | 5-44 | 02-14-05 | Add "Scale of New Construction In Historic District" |
| 5.14.7.4.12 | 5-44 | 02-14-05 | Add "All signs shall be in keeping with the character of the Historic District or building" |
| Appendix C | Map & List | 02-13-06 | Add American Can Plant to Local Historic Designated District |
| 7.7.7 | 7-3 | 02-13-06 | Add, "Applications submitted to the Planning Board, for which a public hearing is required, shall be accompanied by a filing fee sufficient to cover the cost of public hearing publication and notices. In no case shall the filing fee be less than $25.00." |
| Addition of section 6.28 | 6-16 | 07-09-07 | Addition of "Public Artwork" in Section 6.28 page 6-16 |
| 7.7.8 | 7-3 | 05-11-09 | Addition of fee of $50.00 for late application for Certificate of Appropriateness |

| ***SECTION*** | ***PAGE*** | ***DATE*** | ***CHANGE*** |
|---|---|---|---|
| 5.3.2 | 5-5 | 08-10-09 | Add "professional Office" under Special Exception in R2 district |
| Appendix C | Map & List | 04-12-10 | Addition to Jackson Block index number 24, map/lot I7-0B5-11to Local Historic Designated District (HDD) and HDD map |
| 5.5.1.1 B2 & Zoning Map | 5-10 & Map | 8-13-10 | Add Church, city truck depot, commercial, medical, office, recycling centers, residential to B2 (Highway business) Permitted Uses. Changed official zoning map to comply with comprehensive plan map revised in March 2010 by Planning Board |
| Appendix C | Map & List | 03-14-12 | Add American Legion Hall at 6 Green Street to Local Historic Designated District |
| Appendix C | Map & List | 10-10-12 | Add E. S. Martin building at 73 Water Street to Local Historic Designated District |
| 6.17.2.5 | 6-10 | 10-10-12 | Amend 6.17.2.5 to read "One space for each three hundred fifty (350) square feet, or fraction thereof, of floor area…." |
| Appendix C | Map & List | 12-12-12 | Add 89 thru 93 Water Street and 11 Washington Street to Local Historic District |
| Section3.5.4, 7.7.6,7.7.7,8.2.4.2,8.2.4.5.1,8.2.4.6.3 | Various | 9-11-13 | Increase fees for public hearings from $25 to $75 |
| Page 2-5, Sections 6.21.2.4 & 6.21.1.1 | Various | 11-13-13 | Amend definition of "Industrial" to include "processing or shipping of goods", delete section 6.21.2.4 giving responsibility on state highways to Me DOT in its entirety, and amend sections and 6.21.1.1 describing sign size restrictions adding signs in B2 of 32 S.F. |
| Appendix D (added) | Appendices | 11-13-13 | Add Appendix D to the ordinance labeled "Useful Maps & Charts". Within this appendix are the current Eastport Land Use Map and three (3) new land use maps outlining zoning districts and sign restrictions along Route 190. |
| Land Use Map | N/A | 12-11-13 | Zoning district change R2 to B2 for 18 Toll Bridge Road, tax map E3-C2-01/02/03/04. |
| Land Use Map | N/A | 2-12-14 | Zoning district change Industrial to RR for 7 Indian Road, tax map D3-0D4-01 |
| Sections 5.2.2 and 5.3.2 | 5.3 & 5.5 | 9-10-14 | Change "shall" to "may" and add sentence: In the R1 district, if more than one such special exception is to be permitted, the cumulative impact of the business on the residential neighborhood (defined as an area up to two blocks radius or |

| ***SECTION*** | ***PAGE*** | ***DATE*** | ***CHANGE*** |
|---|---|---|---|
| ***Continuation*** | | | up to 500 feet from the applicant) must be considered by the Board before approving additional requests. |
| Appendix C | Map & List | 5-21-15 | Add 42 thru 43 Water Street to Local Historic District<br>Tax Map I7-0C5-34/35 and 33/46 |
| Appendix C | Map & List | Pending | Add 82 High Street to Local Historic District<br>Tax Map I7-0B2-09 |
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# Appendix (C)
# Eastport Zoning Ordinance
# Official List of Properties Within
# The Local (HDD) Historic Designated District

| Structure | Map # | Location |
|---|---|---|
| United States Post Office & Customs House<br>Built 1890-91, stone, 2 stories with 3 story tower<br>Late Italianate, | 1 | I7-B4-13<br>1 Washington St. |
| Charles & M. A. Jackson Block<br>Built 1887, wood, 2 stories<br>Italianate, Henry Black Architect | 2 | I7-C5-1<br>74-80 Water St. |
| Phillip McMahon Building<br>Built 1887, wood, 2 stories<br>Italianate, Henry Black Architect | 3 | I7-C5-3<br>72 Water St. |
| M. Bradish Bakery Building<br>Built 1887, wood, 2 stories<br>Italianate, Henry Black Architect | 4 | I7-C5-2<br>68 Water St. |
| Knights of Pythias Building<br>Built 1928 after fire, wood, 3 stories<br>Vernacular | 5 | I7-C5-10<br>6 Boynton St. |
| Edward Shead Building<br>Built 1887, brick, 2 stories<br>Italianate, Henry Black Architect | 6 | I7-C5-18<br>58 Water St. |
| Masonic Block<br>Built 1887, brick with stone trim, 2 stories<br>Italianate, Henry Black Architect | 7 | I7-C5-37-39<br>36 Water St. |
| Frontier National Bank<br>Built 1882, brick with stone & wood trim, iron cresting<br>Victorian Italianate, Charles Kimball Architect | 8 | I7-D5-1<br>34 Water St. |
| Peavey Memorial Library<br>Built 1893, brick with stone trim, 1 story<br>Romanesque Revival, Rotch & Tilden Architects | 9 | I7-D4-5<br>24 Water St. |
| Eastport Savings Bank<br>Built 1887, brick with stone trim, 3 stories<br>Italianate with Pavilion, Henry Black Architect | 10 | I7-D5-2<br>43 Water St. |
| Hayscale Block<br>Built 1887, brick 2 story ,with wood trim<br>Italianate, Henry Black (likely) Architect | 11 | I7-C5-40-11<br>49 Water St. |
| Sutherland Building<br>Built 1887, wood, 2 story<br>Vernacular | 12 | I7-C5-15<br>69 Water St. |
| R.M. Tuttle Building<br>Built 1887, wood, 2 story | 13 | I7-C5-14<br>71 Water St. |

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|---|---|---|
| Corthell & Gardner Building<br>Built 1887, brick with wood & iron trim, 3 stories<br>Italianate, Henry Black Architect | 14 | I7-C5-8<br>75 Water St. |
| Trefry Block<br>Built 1887, brick with wood & iron trim, 2 stories<br>Italianate | 15 | I7-B5-7<br>103 Water St. |
| Leavitt Block<br>Built 1887, brick with wood & iron trim, 2 stories<br>Italianate | 16 | I7-B5-6<br>107 Water St. |
| Grady Building<br>Built 1887, wood frame 3 story<br>Italianate | 17 | I7-B5-5<br>109 Water St. |
| Booth Fisheries Office<br>Built 1917, Wood, 1 story<br>Vernacular | 18 | I7-B5-3-3A<br>123 Water St. |
| Fort Sullivan Barracks<br>Built 1822, wood 2 story | 19 | I7-B1-7<br>72 Washington St. |
| Todd House<br>Built circa 1785, wood 1&1/2 stories<br>Center Chimney Cape | 20 | I7-B4-6A<br>1 Capen Ave. |
| Fort Sullivan Site<br>Built 1814-1815, stone powder house | 21 | I7-A3-4<br>5 McKinley St. |
| Daniel Kilby House<br>Built 1820, wood 2 stories<br>Federal | 22 | I7-B2-23<br>15 Boynton St. |
| City of Eastport downtown property<br>Including streets, sidewalks, and parks. | | Within the B1 District<br>As of October 2003 |
| American Can Plant<br>Built 1907, brick, 3-story | 23 | I7-D5-10/10A<br>5 Sea Street |
| Part of Charles & M. A. Jackson Block<br>Built 1887, wood, 2 stories<br>Italianate, Henry Black Architect | 24 | I7-0B5-11<br>82-84 Water Street |
| Meade Camp #86, Sons of Veteran - American Legion Hall<br>Built ____ Wood, 2 story<br>Architect: | 25 | I7-0C4-37<br>6 Green Street |
| E. S. Martin Building<br>Built 1887, brick with wood, 3 stories<br>Italianate, Henry Black Architect | 26 | I7-0C5-12<br>73 Water Street |
| North Half of Sharland Building<br>Built 1887, brick with wood, 2 story<br>Italianate | 27 | I7-0B5-10<br>91B/ 93 Water Street |

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| South Half of Sharland Building<br>Built 1887, brick with wood, 2 story<br>Italianate | 28 | I7-0B5-12<br>89 /91A Water Street |
| John McLarren House<br>Built 1830, Wood, 2 ½ Story<br>Federal | 29 | I7-0B4-10<br>11 Washington Street |
| Sentinel Building<br>Built 1887, Wood, 3 Story<br>Italianate, Henry Black Architect | 30 | I7-0C5-34/35<br>42 Water Street |
| A. B. Davis Building<br>Built 1887, Wood, 3 Story<br>Italianate, Henry Black Architect | 31 | I7-0C5-33/46<br>44 Water Street |
| North Baptist Church<br>(North Christian Church)<br>Built 1819<br>Wood 2 story | 32 | I7-0B2-09<br>82 High Street |
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# Appendix (C)
# Eastport Zoning Ordinance
# Official List of Properties
# On The National Historic Register

| Structure | Map # | Location |
|---|---|---|
| United States Post Office & Customs House<br>Built 1890-91, stone, 2 stories with 3 story tower<br>Late Italianate, | 1 | I7-B4-13<br>1 Washington St. |
| Charles & M. A. Jackson Block<br>Built 1887, wood, 2 stories<br>Italianate, Henry Black Architect | 2 | I7-C5-1<br>74-80 Water St. |
| Phillip McMahon Building<br>Built 1887, wood, 2 stories<br>Italianate, Henry Black Architect | 3 | I7-C5-3<br>72 Water St. |
| M. Bradish Bakery Building<br>Built 1887, wood, 2 stories<br>Italianate, Henry Black Architect | 4 | I7-C5-2<br>68 Water St. |
| Knights of Pythias Building<br>Built 1928 after fire, wood 3 stories<br>Vernacular | 5 | I7-C5-10<br>6 Boynton Street |
| Edward Shead Building<br>Built 1887, brick, 2 stories<br>Italianate, Henry Black Architect | 6 | I7-C5-18<br>58 Water St. |
| Masonic Block<br>Built 1887, brick with stone trim, 2 stories<br>Italianate, Henry Black Architect | 7 | I7-C5-37-39<br>36 Water St. |
| Frontier National Bank<br>Built 1882, brick with stone & wood trim, iron cresting<br>Victorian Italianate, Charles Kimball Architect | 8 | I7-D5-1<br>34 Water St. |
| Peavey Memorial Library<br>Built 1893, brick with stone trim, 1 story<br>Romanesque Revival, Rotch & Tilden Architects | 9 | I7-D4-5<br>24 Water St. |
| Eastport Savings Bank<br>Built 1887, brick with stone trim, 3 stories<br>Italianate with Pavilion, Henry Black Architect | 10 | I7-D5-2<br>43 Water St. |
| Hayscale Block<br>Built 1887, brick 2 story ,with wood trim<br>Italianate, Henry Black (probably) Architect | 11 | I7-C5-40-11<br>49 Water St. |
| Sutherland Building<br>Built 1887, wood, 2 story<br>Vernacular | 12 | I7-C5-15<br>69 Water St. |

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|---|---|---|
| R.M. Tuttle Building<br>Bulit 1887, wood, 2 story<br>Italianate | 13 | I7-C5-14<br>71 Water St. |
| Corthell & Gardner Building<br>Built 1887, brick with wood & iron trim, 3 stories<br>Italianate, Henry Black Architect | 14 | I7-C5-8<br>75 Water St. |
| Trefry Block<br>Built 1887, brick with wood & iron trim, 2 stories<br>Italianate | 15 | I7-B5-7<br>103 Water St. |
| Leavitt Block<br>Built 1887, brick with wood & iron trim, 2 stories<br>Italianate | 16 | I7-B5-6<br>107 Water St. |
| Grady Building<br>Built 1887, wood frame 3 story<br>Italianate | 17 | I7-B5-5<br>109 Water St. |
| Booth Fisheries Office<br>Built 1917, Wood, 1 story<br>Vernacular | 18 | I7-B5-3-3A<br>123 Water St. |
| Fort Sullivan Barracks<br>Built 1822, wood 2 story | 19 | I7-B1-7<br>72 Washington St. |
| Todd House<br>Built about1785, wood 11/2 stories<br>Center Chimney Cape | 20 | I7-B4-6A<br>1 Capen Ave. |
| Fort Sullivan Site<br>Built 1814-1815, stone powder house | 21 | I7-A3-4<br>5 McKinley St. |
| Daniel Kilby House<br>Built 1820, wood 2 stories<br>Federal | 22 | I7-B2-23<br>15 Boynton St. |
| P. Whalen Block/Berman Block<br>Built 1887 & 1928, wood, 2 stories<br>Italianate, Henry Black (1887) Architect | 23 | I7-C5-11 & 13<br>60 – 64 Water St. |
| Rumery Brothers Building<br>Built 1887, brick with stone & iron trim, 2 stories<br>Italianate, Henry Black Architect | 24 | I7-C5-19<br>56 Water St. |
| Alden Bradford Block<br>Built 1887, brick with stone trim<br>Italianate | 25 | I7-C5-22 & 21<br>52 – 54 Water St. |
| Witherell Block<br>Built 1887, brick with stone & Iron trim<br>Italianate | 26 | I7-C5-31<br>48 – 50 Water St. |
| A.B. Davis Building<br>Built 1887, Brick with wood & copper trim, 3 stories<br>Italianate, Henry Black Architect | 27 | I7-C5-33<br>44 Water Street |

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|---|---|---|
| Sentinel Building<br>Built 1887, brick with ornamental brick, 3 stories<br>Italianate, Henry Black Architect | 28 | I7-C5-34<br>42 Water St. |
| Beckett Block<br>Built 1887, brick with stone trim, 3 stories<br>Italianate, Henry Black Architect | 29 | I7-C5-38<br>38 Water St |
| E.S. Martin Building<br>Built 1887, brick with wood & iron trim, 3 stories<br>Italianate, Henry Black Architect | 30 | I7-C5-12<br>75 Water Street |
| Sharland Building<br>Built 1887, brick with stone & iron trim, 2 stories<br>Italianate | 31 | I7-B5-10 & 12<br>87 Water Street |
| Stetson-Starboard House<br>Built 1821-1822, Wood 2 story<br>Federal | 32 | I7-C4-1<br>13 Boynton St. |
| Weston House<br>Built 1810, 2 Story<br>Federal | 33 | I7-C4-8<br>26 Boynton St. |
| Central Congregational Church<br>Built 1829, wood 2 story<br>Daniel Low Architect | 34 | I7-C3-15<br>26 Middle St. |
| Boynton High School<br>Built 1847, wood, 2 story<br>Italianate, Gridley J.F. Bryant Architect | 35 | I7-B2-29<br>78 High St. |
| Part of Charles & M. A. Jackson Block<br>Built 1887, wood, 2 stories<br>Italianate, Henry Black Architect | 36 | I7-0B5-11<br>82-84 Water Street |
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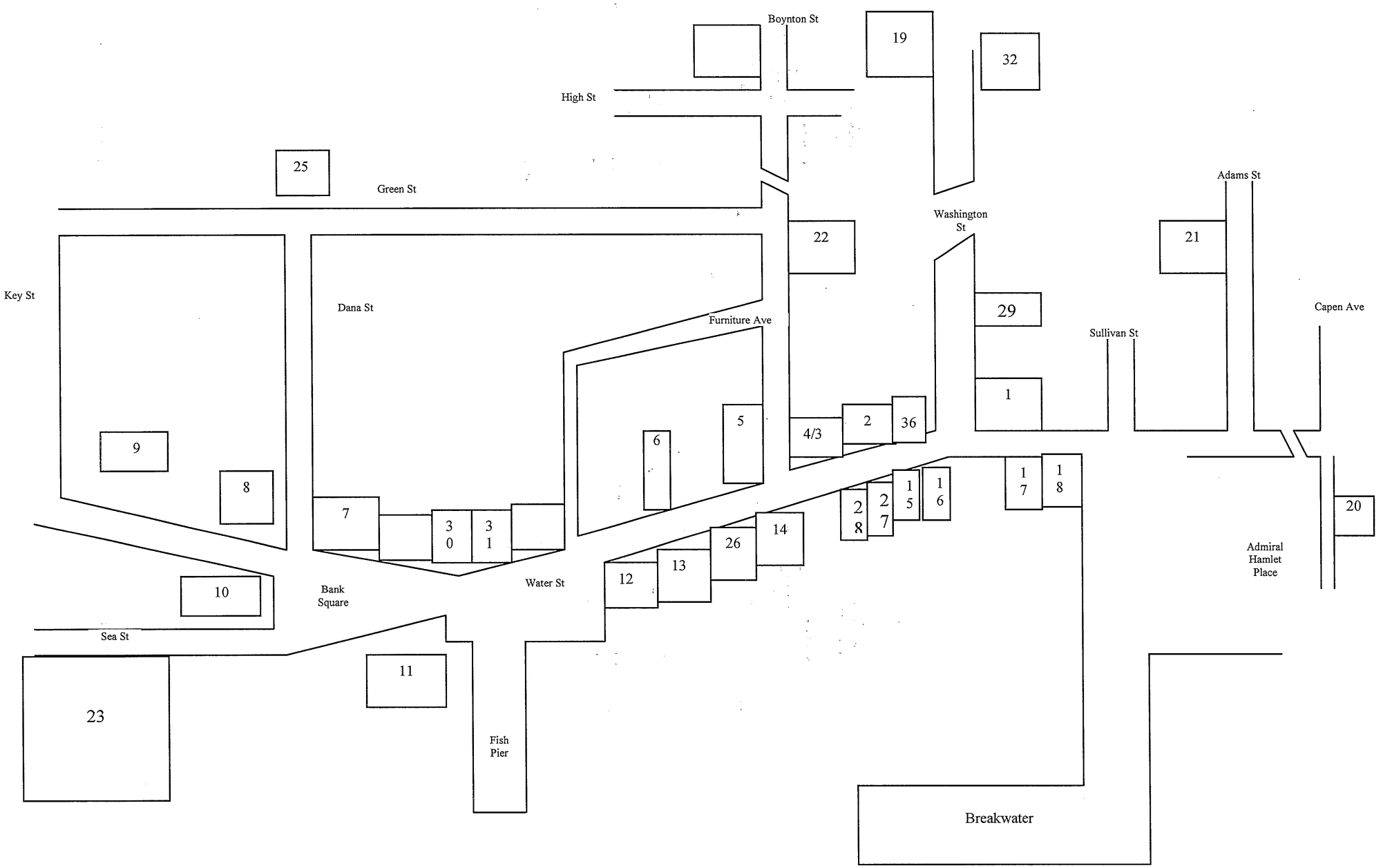
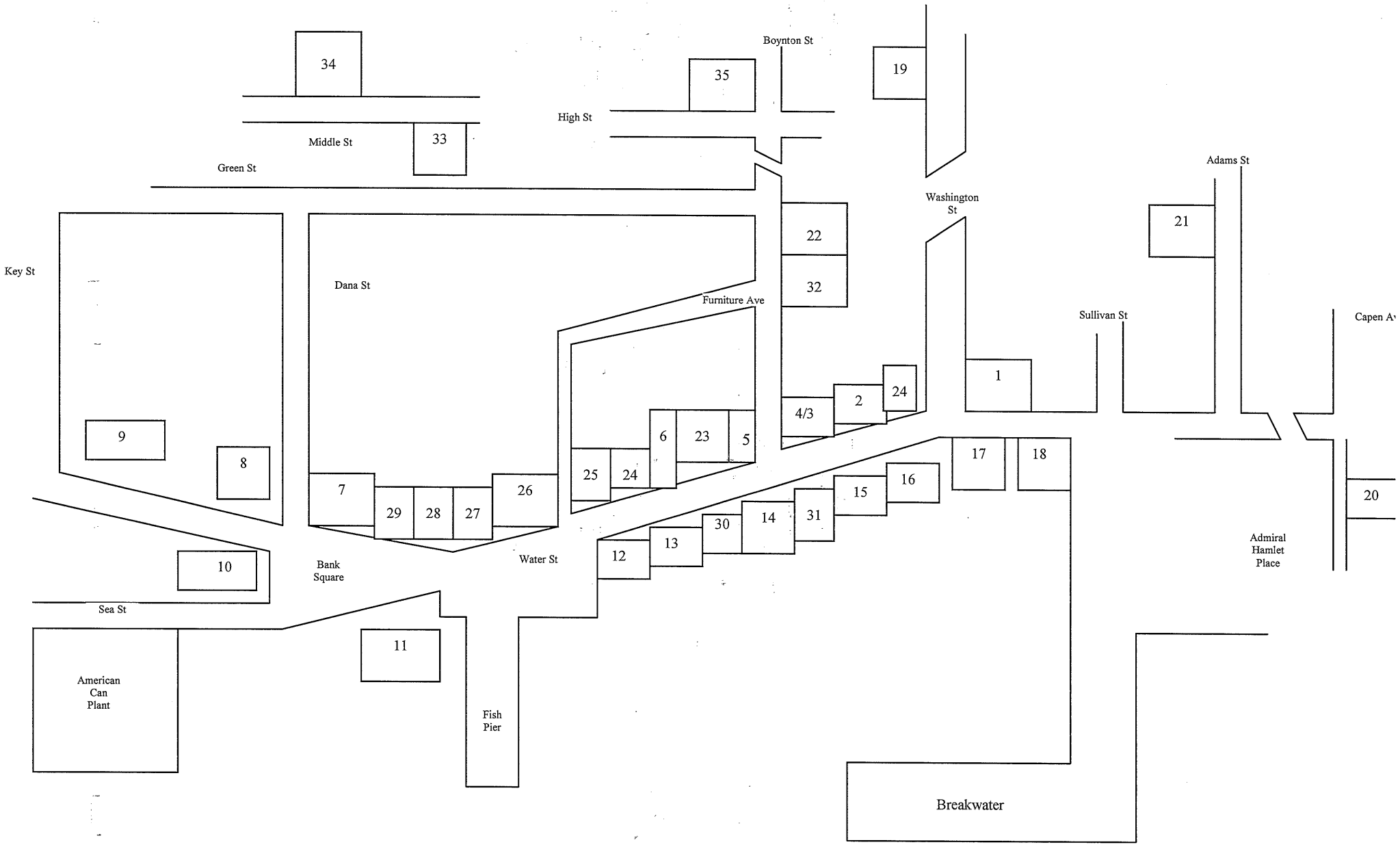
# Appendix (C) Eastport Zoning Ordinance
# Official Map of Properties within the Local Historic Designated District



# Appendix (C) Eastport Zoning Ordinance
# Official Map of Properties on the National Historic Register