

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, 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

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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."*

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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 shall be permitted if expressly authorized by the Board of Appeals: community facility, educational institution, 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.

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

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5.2.5 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

5.3.1.1 Permitted 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 shall 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, municipal building, hospital, neighborhood store,

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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, hairdressing establishments, 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, 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.

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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.

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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 drive-in theaters, drive-in restaurants, motor vehicle service stations, 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

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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

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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.

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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.

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5.7.9 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

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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.

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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

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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.

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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

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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.

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

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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.

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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

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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

5.10.7 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.

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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

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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.

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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.

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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

5-30

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.

5-31

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.

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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

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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.

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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

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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.

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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

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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.

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

An 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 an 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.

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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.

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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

- 5.14.7.1 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.

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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.

5.14.7.5 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.

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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."

5.14.12.3 "Secretary of the Interior's Standards for Rehabilitation."