

ZONING
ARTICLE I PREAMBLE

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Appendix A Zoning Ordinance

ZONING

ARTICLE I PREAMBLE

Sec. 1 Authority and Jurisdiction

This ordinance has been prepared in accordance with the provisions of Title 30, Maine Revised Statutes of 1965, as amended, and shall be effective throughout the Town of Houlton.

Sec. 2 Title

This ordinance and the accompanying official zoning map shall be known as and may be cited as the "Zoning Ordinance, Town of Houlton, Maine".

Sec. 3 Purpose

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

Sec. 4 Repeal of Conflicting Ordinances

Any existing ordinance or such parts thereof as may be inconsistent herewith are repealed.

Sec. 5 Validity

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

Sec. 6 Amendments

The Town Council may, from time to time, amend this Ordinance pursuant to the Town Charter.

Sec. 7 Effective Date

This ordinance shall take effect and be in force after its adoption by the Town.

ARTICLE II OFFICIAL ZONING MAP

Sec. 8 Official Zoning Map a Part of Zoning Ordinance

Zones are located and bounded as shown on the Official Zoning Map which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

Sec. 9 Certification of Zoning Map

The Official Zoning Map is certified by the signature of the Chairman of the Town Council attested by the Town Clerk under the following words "This is the Official Zoning Map referred to in Article I, Section 2 of the Zoning Ordinance, Town of Houlton, Maine", together with the date of the adoption. The official copy shall be located in the office of the Town Clerk. Regardless of the existence of other copies which from time to time may be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of the town.

Sec. 10 Changes of the Official Zoning Map

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

"On (insert date) by official action of the Town, the following change(s) was (were) made: (insert brief description of the nature of the change)".

Immediately beneath the entry the Chairman of the Town Council shall place his signature attested by the Town Clerk.

Any unauthorized change of whatever kind by any person or persons shall be considered a misdemeanor and punishable as provided by law.

Sec. 11 Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions the Town Council may be resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the Official Zoning Map.

ARTICLE III ESTABLISHMENT OF DISTRICTS

Sec. 12 Classes of Districts

For the purpose of this ordinance, the Town is hereby divided in the following classes of districts or zones:

- Residential Districts to be known as "R" Zones.
- Residential-Business Districts to be known as "RB" Zones.
- Business Districts to be known as "B" Zones.
- Industrial Districts to be known as "I" Zones.
- Rural-Farm Districts to be known as "R-F" Zones.
- Airport Development District to be known as "A" Zone.

Sec. 13 Rules Governing District Boundaries

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

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

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

C. Boundaries indicated as approximately following town boundary lines shall be construed as following town boundary lines,

D. Boundaries indicated as following shore lines shall be construed to follow the low water mark of such shore lines, and in the event of change in the shore line shall be construed as moving with the low water mark,

E. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by A through D above, the Board of Appeals shall interpret the district boundaries.

ARTICLE IV DISTRICT REGULATIONS

Sec. 14 Low-Density Residential District "R-1"

A. Intent and Purpose. The "R-1" District is established as a zone within the urban area, in which the principal use of the land is for single-family and two-family dwellings, together with recreational, educational, and religious facilities which will encourage the development of well-rounded neighborhood living. Also included in the "R-1" District are adjacent open areas where similar residential growth appears likely. Any future development which does not perform a neighborhood function, or which would interfere with the character of the district is prohibited.

B. Uses Permitted.

1. Single family dwellings and two-family dwellings.
2. Private garages, non-commercial green houses, and work shops, provided they are not closer than 10 feet to any lot line.
3. Private, non-commercial stables, provided that they are not closer than 100 feet to any property line.
4. Public and private schools offering general education courses.
5. Churches, provided that they are located on a major street and the buildings are placed not less than 40 feet from any property line.
6. Public facilities and grounds.
7. Customary home occupations, including the office of a physician, dentist, lawyer, artist, musician, architect, engineer, beautician, or the accommodation of not more than 2 boarders or roomers provided that:
 - a. there is no external evidence of such operation except a business sign not more than 4 sq. ft. in area

b. the operations are conducted within a dwelling by not more than one person in addition to those living therein.

8. Public utility or communications facilities if essential for service to the zoning district which it is proposed to be located provided that;

a. the structures are placed not less than 40 feet from any property line;

b. no vehicles or equipment are stored on the premises;

c. the lot is suitably landscaped.

9. Agriculture, excluding the commercial raising of livestock, poultry, or any other use injurious, noxious, or offensive to the neighborhood.

10. Business signs for Approved Uses provided that:

a. Signs do not exceed four (4) square feet in area.

b. An exception to part (a) above may be approved by the Zoning Board of Appeals only as a condition to the granting of a Variance or Exception.

11. All nonconforming signs shall be removed by June 1, 2000

C. Exceptions.

1. Nursery schools.

2. Nursing homes.

3. Establishments furnishing goods or services for the neighborhood which do not detract from the livability of the area.

4. Medical facilities.

5. Social care facilities as licensed by the State of Maine Department of Health & Welfare, Division of Hospital Licensing.

6. Signs in excess of four square feet in area for Public or Private schools offering general education courses or churches or any use for which a variance is granted in said zone.

D. Space and Height Requirements.

1. Minimum Lot Area

a. Dwellings - 10,000 square feet for the first unit, plus 2,000 square feet for each additional unit.

b. All other uses - 12,000 square feet.

2. Minimum Lot Width - 100 feet.

3. Minimum Yard Depths.
 - a. Front Yard - on a major street, 35 feet; on all other streets, 20 feet.
 - b. Side and Rear Yards - 15 feet for principal building; 10 feet for accessory buildings.
4. Maximum Building Height - 35 feet.
5. Maximum Building Area - 30% of lot area.

Sec. 15 General Residential District "R-2"

A. Intent and Purpose. The "R-2" District is established as a zone encompassing most of the older, more densely built-up residential neighborhoods located within convenient reach of downtown business facilities. "R-2" Districts are expected to be of the multi-family or apartment-type dwellings likely to be needed by the community and designed to facilitate orderly change from low density to medium density residence, although single-family dwellings will probably continue as the predominate use. Due to its transitional character certain semi-public, institutional and other transitional uses are permitted. This district, however, is basically residential and should be kept free of extensive commercial intrusion.

B. Uses permitted.

1. Any use permitted in the "R-1" District.
2. Multi-family dwellings.
3. Boarding houses.
4. Fraternal organizations and clubs not operated for profit, provided that they are located on a major street and the buildings are placed not less than 40 feet from any property line.

C. Exceptions.

1. Nursery schools.
2. Nursing Homes.
3. Commercial and semi-public recreation facilities such as bowling alleys.

4. Medical Facilities.
5. Social care facilities as licensed by the State of Maine Department of Health & Welfare Division of Hospital Licensing.

D. Space and Height Requirements.

1. Minimum Lot Area
 - a. Dwellings - 7,500 square feet for the first unit plus 1,500 square feet for each additional unit.
 - b. All other uses - 7,500 square feet.
2. Minimum Lot Width - 75 feet.
3. Minimum Yard Depth
 - a. Front Yard - on a major street, 25 feet; on a minor street, 15 feet.
 - b. Side and Rear Yards - 10 feet.
4. Maximum Building Height - 35 feet.
5. Maximum Building Area - 30% of lot area.

Sec. 15A Transitional Residential - Business District "R-3"

A. Intent and Purpose. The "R-3" District is established as a buffer zone to effect and facilitate the orderly and logical transition from a residential to a business zone. The purpose of this "R-3" District is to relieve those transitional areas of the difficulties special to them and to permit the development of businesses not inharmonious with the residential character of the District. The "R-3" District encompasses those sections of the town where the obvious trend is toward the establishment of businesses rather than single family and two-family dwellings. The "R-3" District, ordinarily located along numbered state and federal highways, or other roads, designated as major streets, is intended to provide the necessary flexibility needed to encourage the establishment and expansion of those businesses likely to be needed by an expanding community.

For the purpose of this zoning ordinance, a Transition Zone is defined as direct and continuous progression, both spatial and temporal, from more restrictive to less restrictive use districts, with each successive district including all the previously permitted uses, and adding some more.

B. Uses Permitted.

1. Any use permitted in the "R-1" and "R-2" Districts.
2. Business and Professional Offices and banks.
3. Nursing Homes and Health Care facilities.
4. Churches.
5. Repealed (12/4/78)
6. Retail establishments furnishing goods or services which do not detract from the aesthetic nature or the general livability of the immediate area.
7. Nursery Schools.
8. Business Signs.

C. Exceptions.

1. Semi-public and private clubs, fraternal organizations and institutions.
2. Veterinary hospitals.
3. Institutions of a religious, educational, charitable or philanthropic nature.
4. Research facilities.
5. Motels and Hotels.
6. Public and Governmental facilities.

D. Space and Height Requirements.

1. Minimum Lot Area.
 - a. Dwellings - 10,000 sq. ft. for the first unit plus 1,500 sq. ft. for each additional unit.
 - b. All other uses - 20,000 sq. ft.
2. Minimum Lot Width.
 - a. Dwellings - 100 ft.

- b. All other uses - 150 ft.
3. Minimum Yard Depth
 - a. Front yard - on a major street, 35 ft.; on all streets, 20 ft.
 - b. Side and Rear yards - 25 ft.
4. Maximum Building Height - 35 ft.
5. Maximum Building Area - 40% of lot area.

Sec. 15B Residential-Business District "RB"

A. Intent and Purpose. The purpose of the "RB" District is to permit the development of commercial, business and professional offices in harmony with the residential properties within the District. The "RB" District encompasses only that section of Town described in Section B, below. The "RB" District is intended to provide the necessary flexibility needed to encourage the establishment and expansion of those uses likely to be needed by an expanding community. In addition to the standards of this District, all proposed uses within the "RB" District shall conform to the standards contained in the Houlton Design Review Ordinance.

B. Location of Zone. The "RB" District applies to that section of U.S. Route 1, known as "North Street" which encompasses the area beginning at tax map (dated 4/1/91) #48, lot 67 on the east side and tax map #42, lot 47 on the west side (south), and as shown on the Houlton Zoning Map. The District Boundary shall be the rear property line on interior lots and on corner lots the side yard running perpendicular to North Street.

Where a property passes through to another street or is joined in such a way as to create double frontage on two separate streets, only that portion fronting onto North Street to a depth equal to the average of the adjacent lots shall be in the "RB" District.

- C. Permitted Uses. The following uses are permitted in the RB District:
1. Single-family dwellings.
 2. Two-family dwellings.
 3. Multi-family dwellings.
 4. Business and professional offices.

5. Home occupations.

6. Commercial uses which do not detract from the aesthetic nature or the general livability of the immediate residential area.

D. Prohibited Uses. Any use not allowed as a permitted use is prohibited.

E. Dimensional Requirements. The following dimensional requirements apply to all new construction and conversion, replacement, or rejuvenation of existing structures. Structures existing in the "RB" District at the time of the adoption of this section shall be non-conforming. In addition to the dimensional requirements below, existing structures shall conform to the standards contained within Section G (9).

1. Minimum Lot Area.

a. Dwellings - 10,000 sq. ft. for the first unit, plus 1,500 sq. ft. for each additional unit.

b. Other permitted uses - 20,000 sq. ft.

2. Minimum Lot Width.

a. Dwellings - 100 ft.

b. Other permitted uses - 150 ft.

3. Yard Depths

Principal Structure

a. Front yard - the front yard setback can vary from a minimum of between the average setback of the adjacent lots to a maximum of 35 feet.

b. Side yards - 15 ft.

c. Rear yard - 35 ft.

Accessory Uses or Structures

a. Accessory uses or structures are prohibited in the front yard.

b. Except as otherwise noted within this Ordinance, rear and side yard setbacks for accessory uses or structures shall be 50 percent of the requirements for the principal structure, except in no case shall the setbacks be reduced to less than 5 feet.

c. The maximum floor space of accessory uses or structures shall be 1000 square feet.

4. Maximum Building Height - 35 ft.

5. Maximum Lot Coverage. Structures and all other impervious surfaces shall cover no more than 40% of the total lot area. The remainder of the lot shall be planted and maintained with live vegetative cover so as to prevent drainage and run-off problems. A restriction shall be added to the deed for the lot (s) used to calculate the 40% impervious cover so that no further subdivision or development can occur.

F. General Requirements.

1. Buffer Zone (Area). A landscaped buffer strip of fifteen (15) feet is to be provided to protect abutting residential properties from the intrusion of noise, light, and exhaust fumes. Where no natural vegetation can be maintained, or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges, or combinations thereof. The abutting residential property shall be effectively screened by a continuous landscaped area not less than six (6) feet in height along lot lines adjacent to the residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, waste collection and disposal areas. Where a potential safety hazard to small children would exist, physical screening/barriers shall be used to deter entry to such premises. The buffer areas shall be maintained and vegetation replaced to insure continuous year round screening.

2. Design Review Ordinance. Where the "RB" District falls under the requirements of the Houlton Design Review Ordinance, acceptability of the intended use under this District does **not** imply acceptability under the Design Review Ordinance.

3. Dilapidated or Unsound Structures. In special situations where an existing structure is extremely dilapidated and/or structurally unsound and where reuse is not practicable or economically feasible, or where a structure is not judged to be a significant component of the neighborhood's overall character, the Planning Board may approve plans to replace an existing residential building with a proposed new professional office building whose scaled and design would be appropriate to the site and to the neighborhood. The Board shall seek the recommendation of the Code Enforcement Officer before granting permission to demolish.

4. Driveway Design.

a. Existing Driveways. Driveways existing at the time of the adoption of the "RB" District shall be considered non-conforming accessory structures and subject to the standards contained in subsection 9, Non-Conformance, below and the Houlton Design Review Ordinance.

b. New Driveway Construction.

(1) General.

(a) In order to protect abutting properties from the noise and/or exhaust fumes, circular driveways will be prohibited.

(b) No traffic will be permitted to exit or enter from a North Street property onto Highland Avenue or Bowdoin Street. The purchase of an abutting property on either Highland Avenue or Bowdoin Street by a North Street property owner will not circumvent this prohibition.

(c) No changes in an existing driveway will be permitted without applying for approval from the Planning Board and no approval shall be granted without an impact statement from the Houlton Police Department.

(d) Driveway design shall be based on the estimated volume using the driveway classification defined below:

Low Volume Driveway: Less than 50
vehicle trips per day.

Medium Volume Driveway: 50-200 vehicle
trips per day.

2. Sight Distances: Driveways shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curblineline or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. The required sight distances are listed below for various posted speed limits.

Sight Distances*

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

* Required exiting sight distance for a standard passenger vehicle to safely enter onto a 2-lane roadway from a complete stop, allowing approaching vehicles to adjust speed to avoid a collision.

** Approximately equivalent to 1.5 times the average stopping distance on wet pavement, 3% downgrade, as documented by AASHTO, 1990.

*** Ten times the design speed.

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

(4) Design Standards.

Low Volume Driveways

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

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

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

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

Medium Volume Driveways

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

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

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

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

Driveway Design Standards Preferred Dimension in ()

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

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

5. Driveway Location and Spacing

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

Minimum Standards for Corner Clearance

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

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

b. Driveway Spacing: Driveways shall be separated from adjacent driveways and property lines as indicated below, in order to allow major through routes to effectively serve their primary arterial function of conducting through traffic. This distance shall be measured from the driveway point of tangency to the driveway point of tangency for spacing between driveways and from the driveway point of tangency to a projection of the property line at the edge of the roadway for driveway spacing to the property line.

Minimum Driveway Spacing

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

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

3. Number of Driveways

The maximum number of driveways onto a single street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of driveways independent of frontage length.

- a. No low volume traffic generator shall have more than one two-way driveway onto a single roadway.

b. No medium volume traffic generator shall have more than two two-way driveways onto a single roadway.

4. Construction Materials/Paving

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

b. All driveways shall be paved with bituminous concrete pavement within the street right-of-way. All commercial driveways regardless of driveway volume shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.

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

- (1) graded to a crown of no less than .5:12; and
- (2) constructed of 12" Type D subbase gravel and 3" Type

A base gravel.

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

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

5. Electro-Magnetic Interference

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

6. Glare

No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto adjacent properties, or onto North Street so as to impair the vision of the driver of any vehicle upon North Street. All such activities shall comply with applicable federal and state regulations.

7. Home Occupations

a. Prior to the operation of a home occupation a permit shall be obtained from the Code Enforcement Officer.

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

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

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

e. The following requirements shall be satisfactorily demonstrated to the Code Enforcement Officer before a permit is issued:

(1) The home occupation shall be carried on by a member of the family residing in the dwelling unit, with not more than one other employee who is not a member of the family.

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

(3) The home occupation shall not occupy more than 25% of the total floor area of the structure (excluding basement floor area), whichever is less.

(4) Objectionable noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be permitted.

(5) In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles for the maximum number of users the home occupation may attract during the peak operational hours.

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

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

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

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

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

8. Hours of Operation

No business will be permitted in this District which operates 24 hours a day. Maximum hours of operation allowed per day will be 14, opening for business no earlier than 7:00 a.m. and closing no later than 9:00 p.m.

9. Lighting

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

10. Lot Expansion

No permitted use will be allowed to expand to the streets behind North Street (Highland Avenue or Bowdoin Street). Should a developer want to construct a separate structure on an adjoining lot on Highland or Bowdoin, the new construction shall, for the intent of zoning, be considered a separate lot and the zoning of Highland Avenue or Bowdoin Street will apply.

11. Noise

Business and commercial uses will not be permitted to use "loud speakers", exterior intercoms, or public announcement systems which can be heard outside of the structure, unless otherwise specified within this Ordinance. Business or commercial uses which, by their very nature, create "noise pollution" which can be heard outside of the structure will not be permitted. Complaints of excessive noise will be handled as a nuisance.

a. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any activity shall be limited by the time period and land use district below. Sound levels shall be measured at least 4 feet above ground at the property boundary.

Sound Pressure Level Limits
(Measured in dB (a) scale)

	<u>7a.m. - 9p.m.</u>	<u>9p.m. - 7a.m.</u>
Residential Districts	55	45
Commercial Districts	60	50

b. The levels specified may be exceeded by 10dBA for a single 15 minute period per day. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters".

c. No persons shall engage in construction activities, on a site abutting any residential use between the hours of 9 p.m. and 7 a.m., which exceed those limits established for residential districts. Otherwise the following activities shall be exempt from these regulations:

(1) Sounds emanating from construction and maintenance activities conducted between 7:00 a.m. - 9. p.m.

(2) Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency activities.

(3) Sounds emanating from traffic on public transportation facilities.

12. Non-Conformance

a. General

(1) Continuance, Enlargement, Reconstruction: Any non-conforming use or non-conforming structure may continue to exist, but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.

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

(3) Restoration or Replacement: This Ordinance allows the normal upkeep and maintenance of non-conforming structures or uses; repairs, renovations, or modernization which do not involve expansion of the non-conforming structure or use and the value of which is less than 25% of the market value of the structure before the repair is started; and such other changes in a non-conforming structure or use as Federal, State, or local building and safety codes may require.

Any non-conforming structure or use which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or their agent, may be restored or reconstructed within one (1) year of the date of said damage or destruction, provided that:

(a) The non-conforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces;

(b) Any non-conforming structure shall not be enlarged except in conformity with this Ordinance; and

(c) Any non-conforming use shall not be expanded in area.

Nothing in this section shall prevent the demolition of the remains of any structure so damaged or destroyed.

b. Non-Conforming Use

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

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

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

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

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

b. Non-Conforming Structures

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

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

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

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

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

(d) Reconstruction or expansion, other than routine maintenance, of an existing driveway shall be considered a new driveway and subject to the design standards contained in subsection 4.B. New Driveway Construction, above and the standards contained within the Houlton Design Review Ordinance.

(2). Discontinuance: Discontinuance of the use of legally existing non-conforming structure shall not constitute abandonment of the structure. Conforming use of the structure may be commenced at any time.

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

d Non-Conforming Lots of Record

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

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

(3) Contiguous Built Lots: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principle use exists on each lot, the non-conforming lots may be conveyed separately or together, unless the purpose of the transfer is to avoid or modify the requirements of this District.

If two or more principal uses existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided they can meet the 40% lot coverage (Section E(5) and the General Requirements (Section G) of the District.

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

e. Vested Rights

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

13. Outdoor Storage

All outdoor storage facilities for fuel, raw materials, products, and any other materials, as well as waste collection and disposal facilities, shall be located on impervious pavement, have a roof, and be completely enclosed by an approved safety fences at least six (6) feet in height. Such fence shall be on top of an impervious dike which shall be high enough to contain the rain falling into this storage area from a 25-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area.

14. Parking

a. No more than 15% of the open area of a lot, exclusive of structure footprints, is to be used for driveways and parking.

b. No customer or employee parking shall be permitted to the front or side of any principal building, in order to preserve the residential harmony, prevent unacceptable levels of noise, and/or exhaust to the abutting properties. Should development constraints not allow parking in the rear, the developer and the Planning Board shall meet to find a solution. Parking shall be screened not less than six (6) feet in height from view from all streets and abutting residential properties.

c. A permitted use in the District shall not be extended, and no structure shall be constructed or enlarged, unless adequate off-street automobile parking space is provided.

d. Parking areas and loading area shall be designed so that no vehicle shall need to back onto the roadway.

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

f. Parking areas shall be designed so that water run-off does not flow across any public sidewalk or roadway.

g. The joint use of parking area by two or more principal buildings or uses may be approved as an administrative appeal by the Board of Appeals where it is clearly demonstrated that the parking facilities would substantially meet the intent of the requirements of this section.

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

Additional Requirements for Businesses and Professional

Offices.

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

b. All parking areas and other areas serving five (5) or more vehicles should be constructed of gravel to the following specifications (MDOT Standard Specifications, section 703.06):

(1) graded and layered to a crown of no less than .5:12;

and

(2) constructed of 12" Type d subbase gravel and 3"

Type A base gravel.

Dust control shall be approved by the Code Enforcement Officer prior to being applied and shall be applied at time of construction with either calcium chloride, or an approved alternative, by either mixing with the gravel or sprayed on at completion of the parking area. Appropriate bumper or wheel guards shall be provided where needed.

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

Bituminous concrete or an equivalent surfacing can be used over a Type D gravel sub-base at least 6" in thickness. However, as a means to control run-off and increase the amount of pervious surface, developers are encouraged to construct a gravel or geo block parking area.

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

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

e. Off-street parking and loading spaces, where not enclosed within a structure, shall be effectively screened from view by a continuous landscaped area not less than six (6) feet in height along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street.

Parking Lot Design Criteria (Not applicable to single and two-family dwellings.

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

b. Entrance/exit design /shall be in conformance with the Town standards.

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

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

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

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

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

<u>Activity</u>	<u>Minimum Required Parking</u>
Residential:	
with 2 or more bedrooms	2 spaces per dwelling unit
with 1 bedroom	1.5 spaces per dwelling unit
Elderly Housing	1 space per dwelling unit
Inn, tourist home, boardinghouse	1 space per room/unit rental and for each employee on the largest shift
Church	1 space per three seats of max. capacity
Clubs or Fraternal Organizations	1 space per seventy-five sq.ft. of floor space
Medical Care Facilities	1 space for every three (3) beds and every two (2) empl. on the maximum working shift
Offices, Banks	1 space for every 150 square feet of floor space
Medical Offices(MD's,OD's)	10 spaces for each doctor, dentist, or other medical practitioner
Retail and Service Businesses	1 space for every 150 sq. ft. of floor space
Library, Museum, Art Gallery	1 space for each 150 sq. ft. of floor space

15. Refuse

The property owner shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. All refuse containers will be placed in a screened area which will not interfere with the use or enjoyment of the abutting property owners. Refuse containers will be clean and well maintained at all times. Disposal of refuse from the property shall be by transporting the refuse in a closed truck or in enclosed containers or bags to an approved disposal area. Collection of refuse will be scheduled to eliminate any overflow. Flammable refuse will be stored in a metal container with a lid to eliminate fire hazard. Refuse which would attract insects, vermin, or other animals will be stored in a metal container with a lid. Any refuse which could be considered dangerous, for whatever reason, such as sharp edges, ingestability, etc., will be stored in a suitable container to prevent injury. Any business which, by it's very nature, produces refuse which produces noxious fumes or hazardous waste will not be permitted in this District.

The Planning Board may require the property owner to specify the amount and exact nature of all waste to be generated by the proposed operation.

16. Signs

a. General Requirements

(1) All proposed signs within the "RB" District shall be approved by the Planning Board and meet the standards contained within this Ordinance and those of the Houlton Design Review Ordinance.

(2) Existing non-conforming signs shall not be replaced by another non-conforming sign. Existing non-conforming temporary signs shall be removed within six months of the adoption of this Ordinance, with future use directed by section 12(E), Temporary Signs for Special Events, below.

(3) The sale of real estate may be advertised by non-illuminating temporary signs, no larger than six square feet in area. Each broker or person advertising the sale shall be permitted only one sign on any premises. All such signs shall be removed upon the transfer of ownership.

(4) Rental vacancies may be advertised with a non-illuminating temporary signs, no larger than two feet square in area. Such sign shall be erected only during such time as the rental property is vacant.

(5) Signs shall be placed on the same lot as the use of the activity they are advertising, relate to the premises on which they are located, and shall only identify the occupant of such premises or advertise the service available within said premises. There shall be no temporary promotion signs, banners, streamers, or placards erected, suspended, posted, or affixed in any manner outdoors or on the exterior of the premises except as provided in this Ordinance. Product advertising is prohibited except where the product is generic to the business.

(6) On each premises there is permitted one sign attached to the principal building for each occupancy.

(a) If the proposed sign is to be attached to the principal building without the use of overhanging frames or brackets, the "wall sign" shall not extend or project more than twelve (12) inches from the building surface. Cut out letters should not project more than six (6) inches from the building wall.

(b) Signs posted within a window shall not cover more than 30% of the window area.

(7) Wall signs which are part of the architectural design of a building shall be restricted to an area not more than fifteen (15) percent of the wall area including windows and doors of the wall upon which such sign is affixed or attached, or eight (8) sq. ft., whichever is larger, and such signs shall not protrude above the structural wall of which it is a part. Where such sign consists of individual lettering or symbols attached to the building, wall, or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

(8) No sign shall be erected adjacent to any roadway in such a manner as to obstruct clear and free vision, or where, by reason of its position, shape, color, or wording the sign may interfere with or 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.

(9) If a building fronts upon more than one (1) street, no additional sign may be permitted on the other street frontage.

b. Sign Dimensions

(1) The computation of the area of the sign shall include incidental decorative trim and framework, in addition to the portion devoted to the message and lettering.

(2) Signs within the "RB" District shall meet the following dimensional requirements:

(a) One (1) wall sign mounted flush on the wall, up to eight (8) square feet; or

(b) One (1) wall sign (when part of the architectural design of the building) consisting of individual letters or symbols not to exceed fifteen (15) percent of the wall area; or

(c) One (1) window sign consisting of individual letters or symbols not to exceed thirty (30) percent of the total glass area of the building front.

c. Illumination of Signs

(1) No sign shall be illuminated with flashing, moving, or animated-type lights.

(2) Illuminated signs shall be illuminated only with white light and shall be conducted in such a manner as to deflect light away from residential properties and roads.

d. Sign Exceptions

Nothing within this Ordinance shall prohibit the use of the following signs:

- (1) Flags and insignia of any government.
- (2) Legal notices, identification, information, or directional signs erected or required by governmental bodies.
- (3) Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving or flashing lights.
- (4) Signs directed and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification.

(5) Barber poles.

e. Prohibited Signs

The following signs are prohibited within "RB" District:

- (1) Billboards or free-standing signs.
- (2) Off-premise signs.
- (3) Sign(s) on the roof of a structure.
- (4) Sign(s) erected on utility poles or trees, or painted or drawn on rocks or other natural features.
- (5) Internally illuminated signs.
- (6) Neon or gas filled tubular signs.
- (7) Menu and sandwich boards.
- (8) Searchlights.
- (9) Hot air or gas filled balloons, or umbrellas used for advertising.
- (10) Mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business.
- (11) Designed to be transported by trailer or wheels.
- (12) "A" frame signs.

f. Temporary Signs for Special Events

Temporary signs for special events may be posted in the district upon written permit from the Code Enforcement Officer. The Code Enforcement Officer shall only grant such a permit after presentation of evidence that the authorities controlling the proposed location of the sign have approved its posting. A temporary sign shall be posted for a period not to exceed twenty (20) days. The applicant shall remove said signs upon termination of the permit. Street banners shall not be larger than fifty (50) square feet in area. No temporary sign, other than a street banner, shall be larger than six (6) square feet per side. Permits for hanging street banners across the public way shall be issued only upon assumption of complete liability in writing by the person, firm, or corporation hanging the banner for any damage resulting from the placement of said banner. Such liability shall be acknowledged upon the application for the permit.

17. Traffic

Any proposed development, new construction, or conversion shall provide for safe access to and from North Street. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight distances, intersections, and other driveways. Curb cuts shall be limited to the minimum width necessary for safe entering and exiting.

All permitted users within this District shall include in their application for a building permit, a written diagram of intended driveways, anticipated amount of daily traffic generated by the use, and locations of adjacent driveways of abutters and intersections on either side and directly across from the property in question. All attempts shall be made to minimize the impact of traffic flow onto and off of North Street. This plan shall be submitted to the Houlton Police Department for an impact statement and that impact statement will become part of the application process.

18. Yard Sales

Yard sales are permitted in the RB District and shall meet the following requirements:

(1) Due to conditions along North Street, permission must be obtained from the Code Enforcement Officer and the Chief of Police prior to the yard sale.

(2) The sale of merchandise shall be conducted during normal business hours, 7:00 a.m. to 9:00 p.m.

(3) The yard sale shall take place for no longer than five (5) consecutive days and for no more than two weekends a year. Sales longer than five (5) consecutive days or more than two weekends a year shall be considered a "used merchandise sales". Used merchandise sales are prohibited in the RB District.,

(4) No off property signs advertising the yard sale shall be permitted. Signs advertising the yard sale shall be displayed on the property no sooner than 48 hours prior to the sale and must be removed within 24 hours of the completion of the sale. Signs can not be attached to telephone poles and trees and can not be larger than two (2) sq. ft. per side. Free standing signs are encouraged.

(5) Parking for the yard sale is prohibited on North Street. Adequate off-street parking must be provided.

Sec. 16 Central Business District "B-1"

A. **Intent and Purpose.** The "B-1" District is established as a zone in which the principal use of the land is for pedestrian-oriented commercial uses to which the public requires direct and frequent access. The "B-1" District is intended to encourage the concentration of commercial development to the mutual advantage of both consumers and merchants. Any uses which interfere with pedestrian access or passage create heavy truck traffic, offensive noise, heat, glare, vibration, odors or other objectionable influences or hazards, are prohibited.

B. Uses Permitted

1. Any retail or service business carried or mainly indoors including the incidental manufacture of products sold at retail on the premises, provided that the manufacturing does not occupy more than 50% of the total floor area; and employs no more than 5 persons on a single shift.

2. Business and professional offices and banks.

3. Public utility, passenger transportation and communication facilities.

4. Indoor recreation and amusement facilities.

5. Public and governmental facilities.

6. Business Signs.

7. Schools.

8. Hotels and motels.

9. Dwellings, however, excluding storefronts immediately adjacent to Broadway, Court Street, Main Street, Market Square and Union Square

10. Newspaper and printing plants

11. Semi-public and private clubs, fraternal organizations and institutions.

12. Churches.

C. Exceptions.

1. Any retail use involving outdoor sales, services or storage, such as gasoline service stations, building supplies automobiles, trucks and other vehicles, farm machinery, boats, trailers, mobile homes, trees, shrubs, other nursery products, but excluding automobile graveyards, or junk yards.

2. Outdoor recreational and amusement facilities.

D. Space and Height Requirements.

1. Minimum Lot Area.

a. Dwellings - 6,000 square feet for the first unit plus 1,000 square feet for each additional unit.

b. All other uses - no minimum.

2. Minimum Lot Width.

a. Dwellings - 65 feet.

b. All other uses - no minimum.

3. Minimum Yard Depths.

a. Front Yard - none.

b. Side Yards - none required, but 10 feet if provided.

c. Rear Yard - 10 feet.

4. Maximum Building Height - 45 feet.

5. Maximum Building Area - unspecified.

Sec. 17 Highway Business District "B-2"

A. Intent and Purposes. The "B-2" District is established as a district in which the principal uses of the land is for establishments offering accommodations, services, or supplies to

motorists, and in which vehicular access and parking is of primary importance. Also compatible with this district are certain specialized uses such as retail outlets, extensive commercial amusements, and service establishments which although serving the entire town and its trade area do not and should not locate in the central business district. The "B-2" District, ordinarily located along numbered state or federal highways or other roads designated as major streets, is intended to encourage the grouping together of those businesses which are most advantageously located outside the downtown area and to help control commercial sprawl along the highways.

B. Uses Permitted.

1. Any use permitted in the "B-1" District.
2. Any retail use involving outdoor sales, services or storage except for automobile graveyards or junk yards.
3. Outdoor recreation and amusement facilities.

C. Exceptions.

1. Veterinary hospitals or kennels.

D. Space and Height Requirements.

1. Minimum Lot Area
 - a. Dwellings - 10,000 square feet for the first unit plus 2,000 square feet for each additional unit.
 - b. All other uses - 30,000 square feet.
2. Minimum Lot Width
 - a. Residential - 100 feet.
 - b. All other uses - 150 feet.
3. Minimum Yard Depth
 - a. Front Yard - 30 feet.
 - b. Side and Rear Yards - 10 feet.
4. Maximum Building Height - 35 feet.

5. Maximum Building Area - 50%.

Sec. 18 General Industrial District "I-1"

A. Intent and Purpose. The "I-1" District is established as a zone in which the principal use of the land is for industry and associated uses. Certain open area favorably situated with respect to transportation and containing other factors conducive to industrial development but not in conflict with residential neighborhoods or business, are also included. This is for the purpose of reserving suitable land for the expansion of existing industry and location of new industry, and to enhance economic development and employment opportunities.

B. Uses Permitted

1. Industries, provided that they shall comply with Federal and State standards regarding water and air pollution. Industries shall be required to prove to the Board of Appeals that the proposed location, construction and operation will not injure present or prospective industrial development in the district.

2. Businesses customarily serving such industries.

3. Public utility, transportation, or communication facilities.

4. Warehouses, truck terminals, and storage facilities.

5. Bulk oil and fuel stations.

6. Research facilities.

7. Residential uses limited to functions such as watchmen, caretaker, or janitor.

C. Exceptions.

1. Junk yards and automobile graveyards.

D. Space and Height Requirements.

1. Minimum Lot Area - 40,000 square feet.

2. Minimum Lot Width - 200 feet.

3. Minimum Yard Depth.

- a. Front Yard - on a major street, 40 feet; on a minor street, 25 feet.

- b. Side and Rear Yards - 15 feet.
- 4. Maximum Building Height - 75 feet if sprinkled; all others 50 feet.
- 5. Maximum Building Area - Unspecified.

Sec. 19 Airport Development District "A"

A. Intent and Purpose. The Airport Development District is established as a zone to ensure the continuation and development of air transportation and to allow maximum flexibility for proper and compatible land use as defined in the Airport Development Plan.

B. Uses Permitted. The permitted uses shall be as described in the Airport Development Plan and any uses permitted under R-3, I-1, and R-F as are proper and compatible with the uses set out in the Airport Development Plan and other controls for the safety and operation of the airport.

C. Exceptions. There are no exceptions to this Section.

D. Space and Height Requirements. There are no space and height requirements except as limited by controls for the safety and operation of the airport and required by the Airport Development Plan.

Sec. 20 Rural Residence and Farming District "R-F".

A. Intent and Purpose. "R-F" District is established as a zone in which the principal use of the land is for agriculture, forestry, rural-type residence and customary associated uses. Large lots, with ample space between buildings, are required as a means of reducing fire hazards, and also to provide sufficient area for both private water supply and septic disposal system on the same lot. Other purposes of this district include conservation of natural resources and reduction of soil erosion.

B. Uses Permitted.

1. Agriculture, provided that no building for dairy, poultry, or livestock raising is constructed, moved or enlarged to within 75 feet of the side or rear property lines.

2. Single-family dwellings, multi-family dwellings and single mobile home dwellings established on a single mobile home lot as defined in Section 51.

3. Churches, medical facilities, and institutions or a religious, educational, charitable or philanthropic nature, nursing homes and social care facilities as licensed by the State, provided that they are located on a major street, and that all buildings are located at least 40 feet from the side and rear lot lines.

4. Radio or television transmission stations, towers, and studios.
5. Boarding and riding stables.
6. Veterinary hospitals and kennels.
7. Public utility, transportation, and communication facilities.
8. Roadside stand for sale of produce, provided that at least 5 off-street parking spaces are provided.
9. Semi-public facilities and grounds.
10. U.S. Customs, and Customs Brokerage Establishments.
11. If pertinent, must meet all regulations of Drinking Water Protection Ordinance in Houlton Code.

C. Exceptions.

1. Saw mills and logging operations.
2. Facilities for storage or processing of agricultural products.
3. Cemeteries.
4. Junk Yards and automobile graveyards.
5. Removal or processing of earth materials.
6. Mobile home parks.
7. Travel-trailer parks.
8. General Store.
9. Arts or crafts studies or sales.
10. Drive-in theaters, provided that they are located on a major street and movie screen is not visible from the major street.

D. Space and Height Requirements.

1. Minimum Lot Area.

- a. Multi-family dwellings - 20,000 square feet for the first unit plus 3,000 square feet for each additional unit.
 - b. All other uses 20,000 square feet.
2. Minimum Lot Width - 100 feet.
3. Minimum Yard Depth
 - a. Front yard - 30 feet.
 - b. Side and rear yards - 15 feet.
4. Maximum Building Height - 35 feet.
5. Maximum Building Area - 25%.

ARTICLE V GENERAL AND SUPPLEMENTARY REGULATIONS

Sec. 21 Zoning Affects All Buildings and Land

No building or land shall hereafter be used and no building shall hereafter be erected, reconstructed, altered or moved unless in conformity with this ordinance.

Sec. 22 Pending Applications for Building Permits.

Nothing herein contained shall require any change in the plans, constructions, size or designated use of any building or part thereof for which a building permit has been granted prior to the Adoption of this ordinance, provided construction shall start within 60 days after the granting of such permit.

Sec. 23 Restoration of Unsafe Property.

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the Building Inspector.

Sec. 24 Front Yard Setbacks.

The front yard setback requirements of this ordinance shall not apply to any lot where the average setback on developed lots located wholly or in part within 100 feet on each side or such lot and within the same block and zoning district and fronting on the same street as such lot, is

less than the minimum setback required. In such cases the front yard setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.

Sec. 25 Principal Building and Accessory Buildings and Uses on a Lot.

Except group developments, only one principal building and its accessory buildings and uses may hereafter be erected or conducted on any one lot.

Sec. 26 Group Developments.

A group development is permitted provided that;

- A. Uses shall be limited to those permitted within the district in which it is located.
- B. Density and height requirements of the district are met.
- C. The distance of every building from the nearest property line shall meet all requirements of the district in which the project is located, and the development abuts a minimum of 50 feet on a public street.
- D. The Board of Appeals shall approve the location of the group development.

Sec. 27 Public Street Frontage

No building shall be erected on a lot which does not abut a minimum of 20 feet on a public street.

Sec. 28 Off-Street Frontage

No building hereinafter shall be erected or any of the following uses established unless the minimum number of off-street parking spaces as specified below are provided. Each parking space shall be at least 171 square feet and shall have access for vehicles to a public right-of-way. Parking lots for more than 5 vehicles shall provide sufficient turning space to prevent cars from backing into the street. If applicable, parking lots must comply with Handicapped Rules & Regulations set forth by the State of Maine Human Rights Act.

If the required automobile parking spaces cannot be provided on the same lot as the principal use, such spaces may be provided on other off-street property located within 400 feet of the main entrance of the principal use. Such parking space shall be associated with the principal use, and not thereafter reduced or encroached upon in any manner.

- A. Gasoline Filling Stations and Repair Garages. 5 spaces for each grease rack or similar facility.
- B. Hospitals and Nursing Homes. 1 space for each 4 beds.

- C. Hotels and Inns. 1 space for each 2 guest bedrooms.
- D. Industrial Establishments. 1 space for each 2 employees at maximum employment on the 2 shifts of highest employment.
- E. Lodges and Clubs. 1 space for each 5 members.
- F. Motels and Tourist Courts. 1 space for each accommodation.
- G. Offices. 1 space for each 300 square feet of office floor area.
- H. Places of Amusement or Assembly. 1 space for each 150 feet of floor area devoted to patron use.
- I. Residential. 1 space for each dwelling unit.
- J. Restaurants. 1 space for each 4 chairs.
- K. Retail and Service Business. 1 space for each 300 square feet of floor area.
- L. Schools. 1 space for each 30 pupils in primary schools; 1 space for each 4 students in secondary schools; and 1 space for each student in higher education.

Sec. 29 Off-Street Loading or Unloading.

On every lot on which a business, trade, or industry is hereafter established, sufficient off-street space with access to a public right-of-way shall be provided for the loading and unloading of vehicles.

Sec. 30 Removal of Earth Materials.

Sand, gravel, rock, and similar earth materials may be removed from districts where permitted under the terms of this ordinance only after a permit has been issued by the Building Inspector upon approval of the Board of Appeals. The Board of Appeals may require the applicant to:

- A. Submit a plan showing existing grades and grades to which the land is to be restored at the conclusion of the operation.
- B. Restore the site by covering the finish grade with not less than 4 inches of topsoil and seeding with a suitable cover crop.
- C. Post a bond with the Treasurer of the Municipality in an amount approved by the Board of Appeals as sufficient to guarantee conformance.

The Board of Appeals may waive any or all of the requirements in A, B, and C above if the proposed excavation or quarrying will have no adverse effect on the health, safety, appearance, or welfare of the community.

Sec. 31 Signs.

No signs shall be permitted except as specified in this ordinance. No sign shall constitute a safety hazard or nuisance due to flashing, blinking, or otherwise glaring light.

No outdoor advertising sign shall hereafter be erected, and existing outdoor advertising signs are hereby declared to be non-conforming uses.

Sec. 32 Junk Yards and Automobile Graveyards.

Junk yards and automobile graveyards, where permitted under the terms of this ordinance, must be approved by the Board of Appeals in addition to fulfilling the requirements of Title 30, Sections 2451 - 2458, Maine Revised Statutes of 1965, as amended.

Sec. 33 Height Limits.

Except for the airport approach zone, the height limits shall not apply to church spires, belfries, monuments, water towers, transmission towers, chimneys, conveyors, radio and television towers, and similar structures not intended for human occupancy.

Sec. 34 Non-Conforming Buildings and Uses

The lawful use of any building or land which is made non-conforming by reason of the adoption of this ordinance, or a subsequent amendment, may be continued except that the non-conforming structure or use shall not be:

- A. Changed to another non-conforming use.
- B. Re-established after discontinuance for one year.
- C. Extended except in conformity with this ordinance.
- D. Rebuilt, altered or repaired after damage exceeding 50% of its replacement cost at the time of destruction, except in conformity with this ordinance.

Sec. 35 Non-Conforming Lots of Record.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements applicable in the district for area or width or both of the lot shall conform to the regulations for the district in which such lots is located. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

Sec. 36 Municipal Facilities

Municipal facilities and public schools are permitted in any district subject to the approval of the Board of Appeals.

Sec. 37 Setback From Natural Drainage Ways

On lots abutting a natural drainage way, no structure shall be erected within 40 feet of the abutting high water line of the natural drainage way.

Sec. 38 Requirements for Mobile Home Parks and Camping Area

A. No mobile home park or camping area shall be established or operated without a permit issued annually by the Building Inspector for which the applicant shall pay an annual fee of \$3.00 per mobile home site of \$1.00 per campsite. Such permit shall only be issued if the mobile home park or camping area is found to conform to the requirements of this ordinance and all other municipal and State Ordinances and the State of Maine Rules and Regulations of the Department of Health & Welfare relating to Mobile Home Parks and Camping Areas and after approval of the proposed plan and location of such mobile home park or camping area by the Board of Appeals.

B. The application for a permit, to be submitted to the Building Inspector, shall show:

1. The area and dimensions of the tract of land.
2. The number, size, and location of mobile home lots.
3. The location and width of roadways.
4. The location of water and sewer lines.
5. Such further information as may be requested by the Building Inspector, Board of Appeals, or Health Officer to determine that the mobile home park complies with legal requirements.

C. Supplemental minimum general standards:

1. All street surfaces in a mobile home park shall be maintained and snow-plowed by the mobile home park operator.
2. No travel trailer shall remain in a camping area for more than 90 days in any calendar year.
3. Fires shall be permitted only in specifically designated fire places constructed to suitable standards, and only under conditions and at times approved by the Fire Chief.
4. Notwithstanding any other provision of this Ordinance, any mobile home park or camping area existing in violation of this ordinance shall not be allowed to exist as a non-conforming use after July 15, 1975.

Sec. 38A Requirements for Individual Mobile Home Placements

A. No mobile home shall be established on a mobile home lot without a permit issued by the Building Inspector. Such permit shall only be issued if the mobile home is found to conform to the requirements of this ordinance and all other municipal ordinances.

B. Minimum general standards.

1. Mobile home size must be a minimum of 500 square feet (outside dimensions) less additions.

2. A Mobile Home Lot shall meet all requirements of the Zoning Ordinance in general and the RF District in particular.

3. All requirements of the State of Maine Plumbing Code will be met in regard to sewer connections, sewage disposal systems, water supply and connection systems.

4. Mobile Homes - Foundations. All mobile homes placed on mobile home lots shall be placed on solid concrete or masonry foundations conforming to the specifications of the Uniform Building Code. Foundations shall consist of solid concrete or masonry foundations walls with footings, concrete piers or flat concrete slabs. Mobile homes utilizing flat slab or pier type foundations shall be skirted with an approved material such as plywood, hardwood, or metal siding painted or treated to afford protection from the elements.

5. Additions or Supplemental Structures. All additions to mobile homes or supplemental structures on the same lot shall be subject to the approval of the Building Inspector and shall not be started without obtaining such approval in the form of a Building Permit. All such work shall conform to the requirements of the Zoning Ordinance, the Housing Code and the Uniform Building Code.

6. All work connected with the establishment of a mobile home on a mobile home lot shall be completed within 60 days of the arrival.

Sec. 38 1/2 Nonconforming Mobile Homes.

A. Any mobile home existing in violation of this Ordinance, if moved, shall not be re-established except in an approved mobile home park or in the R-F Zone in accordance with the provisions of this ordinance.

B. Any mobile home existing in violation of this Ordinance shall not be replaced with another mobile home.

Sec. 39 Repealed (May 12, 1973, effective May 23, 1973)

Sec. 40 Political Campaign Signs

A. Signs bearing political messages relating to an election or primary or referendum may be placed in the following locations six (6) weeks prior to the election, primary or referendum to which they relate and must be removed by the candidate or political committee not less than one (1) week thereafter:

Union Square

Market Square

Monument Park

Pierce Park

Provided said signs do not unnecessarily interfere with the vehicular or foot traffic in these areas.

No signs pursuant to A may be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, or on any trees.

B. Within all zones of the Town of Houlton political campaign signs relating to an election or primary or referendum may be placed on private property with the landowners' written consent six (6) weeks prior to the election, primary or referendum to which they relate and must be removed by the candidate or political committee not more than one (1) week thereafter.

C. Signs bearing political messages may be placed on private property by the landowner or with written permission of the landowner.

D. Violation of this Ordinance shall subject the violator to a fine of One Hundred Dollars (\$100.00) per day, after notification of the violation by the Code Enforcement Officer, which shall be enforced by the Code Enforcement Officer of the Town of Houlton.

ARTICLE VI AIRPORT APPROACH ZONE

Sec. 40 Use Regulation

The airport approach zone, as shown on the Official Zoning Map, is a zone of imaginary surfaces established by reference to the Houlton International Airport. This zone overlaps existing districts, and shall have the same use regulations as the districts which it overlaps, except that no use shall hereafter be made of any kind in the airport approach zone in such a manner as to create excessive smoke or vapor sufficient to interfere with and impair the visibility in landing, take-off, or maneuvering of aircraft; create electrical interference with radio communication between the airfield and aircraft; make it difficult for pilots to distinguish between airfield lights and others; results in glare in the eyes of pilots using the airfield; or otherwise endanger aircraft operations.

Sec. 41 Height Requirements

No structure hereafter erected or structurally altered and no object of natural growth shall project above the airport approach zone surfaces. The dimensions of the airport approach zone are as follows:

A. Length. The airport approach zone has a length of 10,000 feet beginning 200 feet outward from each end of the runways and extending outward, ending at a point 10,200 feet from the ends of the runways on the extended center line of the runways, and in addition shall extend outward another 40,000 feet from both ends of the runway.

B. Width. The airport approach zone is symmetrically located with respect to the extended runway center lines and has a total width of 1000 feet at the ends adjacent of the runways and flares uniformly to a total width of 4,000 feet at the ends of the 10,000 foot sections and to a total width of 16,000 feet at the end of the additional 40,000 foot sections.

C. Slope. The slope of the airport approach zone surface along the extended center lines is 50:1 (50 feet horizontal for each foot vertical) for the inner 10,000 foot sections and 40:1 for the outer 40,000 foot sections.

ARTICLE VII ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Sec. 42 Zoning Enforcing Officer

The Building Inspector shall enforce the provisions of this ordinance and shall issue building permits.

Sec. 43 Building Permit

It shall be unlawful to start any work for the purpose of construction, alteration, or removal of any building unless a building permit has been issued. Any person starting construction before making application and paying fees as per Section 44, shall pay double the applicable fee.

The applicant for a building permit shall submit a site plan at a suitable scale showing:

A. The shape, size and location of the lot to be built upon and the buildings to be erected, altered or removed;

B. Any buildings already on the lot;

C. Depth of front yards of buildings on adjoining lots;

D. Any other information needed by the Building Inspector or the Board of Appeals to determine whether the provisions of this ordinance are being observed.

If the application conforms with the provisions of this ordinance, the State Plumbing Code, and other applicable codes and ordinances, a permit shall be issued upon payment of the required fee to the municipality. If not, the building permit shall be refused by the Building Inspector stating such refusal in writing with the cause.

If no substantial progress of construction has been made in six months from the date the permit is issued, the permit becomes invalid. The Building Inspector may renew the permit upon payment of a renewal fee.

Sec. 44 Fees

Building Permits or renewals shall be at the following rates:

Value of Project	Fee
0 - 6,000	Min. 20.00
Over 6,000	3.00 per 1,000 for Residential 4.00 per 1,000 for Commercial
Application for Variance	50.00
Advertising	Cost of Ad & Postage
Demolition of structure	25.00 (Accessory) 50.00 (Residential)
Moving of Mobile Home	20.00 min. up to 6,000
Swimming Pool (above ground)	25.00
(in ground)	50.00

The applicant for a building permit requiring a variance from the Zoning Board of Appeals shall also be responsible for any fees incurred due to public advertising of the Public Hearing as required by this Ordinance.

Sec. 45 Certificate of Occupancy Required

A certificate of occupancy issued by the Building Inspector is required in advance of the use of:

- A. Any lot or change of the use thereof.
- B. A building hereafter erected or a change in the use of an existing building.

No certificate of occupancy shall be issued unless the lot or building complies with all the provisions of this ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector and available for public inspection.

Sec. 45A Penalties for Violation

Any person violating any provision of this ordinance may be fined not exceeding \$50.00 for each offense. Each day that the violation occurs shall constitute a separate offense, beginning with the day following notification by the Building Inspector of each violation.

Sec. 46 Remedies

If any building is constructed, altered, or removed, or any building or land is used in violation of this ordinance the Building Inspector or any other appropriate authority or any person who would be damaged by such violation, in addition to other remedies may institute appropriate legal procedures to prevent such violation.

ARTICLE VIII BOARD OF APPEALS

Sec. 47 Establishment and Organization

A Zoning Board of Appeals is hereby established. The Zoning Board of Appeals, also referred to in this Ordinance as the Board, shall consist of seven (7) members appointed by the Council. Each member shall serve for a term of three (3) years.

A. Appointment. The Town Council by majority vote shall upon the expiration of each member's term appoint a member to the Board for a three (3) year term. Upon the resignation of a member, the Council shall appoint a member to serve that person's unexpired term. Members serving shall continue in office until a successor is appointed and qualified.

B. Members. No municipal officer shall be a member of the Board.

C. Conflict of Interest. The Board shall determine by a majority vote whether or not a conflict of interest sufficient to disqualify a member from voting thereon after a challenge based on conflict of interest is made by a party to the hearing or a member of the Board.

D. Rules; Meetings. The Board shall adopt rules necessary to the conduct of its affairs. The Chairman, or in his absence the acting chairman, may administer oaths, and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings and other official actions, all of which shall be a public record and be immediately filed in the offices of the Board.

E. Quorum: No meeting of the Board shall be held without a quorum which shall consist of a majority of the Board members.

Sec. 48 Appeals

An appeal may be taken from any decision of the Building Inspector to the Board and from the Board to the Superior Court, pursuant to Title 30, chapter 239, Section 4954, Paragraph 2, Maine Revised Statutes of 1965, as amended.

Sec. 49 Power and Duties of the Board of Appeals

The Board shall have the following powers:

A. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this ordinance.

B. Exceptions. To hear and decide only such exceptions upon which the Board is required to pass under the terms of this ordinance.

C. Variances. To authorize, upon appeal, variances from the provisions of this ordinance. Variances are used to mitigate the restrictive provisions of the Zoning Ordinance by allowing for administrative relaxation of such restrictions through the local Board of Appeals. The Zoning Board of Appeals may attach conditions to the granting of a variance in order to preserve the general purposes of the Zoning Ordinance.

1. A variance may be granted by the Board only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words "undue hardship" as used herein means:

a. that the land in question cannot yield a reasonable return unless a variance is granted;

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

c. that the granting of a variance will not alter the essential character of the locality; and

d. that the hardship is not the result of action taken by the applicant or prior owners.

2. The Board must also find from the facts presented that the variance, if granted, would not be detrimental to the public health, safety, or general welfare; would not produce a substantial increase in traffic flow; would not be injurious to property or improvements in the district, or impair the purposes and intent of the Zoning Ordinance.

3. No petition for variance will be heard by the Board until the following have been provided with a copy of the petition and given 30 calendar days in which to

make a comment; failure to comment shall be construed as no comment. Comments shall first be submitted for review by the Planning Board at its next regularly scheduled meeting, from which comments by the Planning Board shall be sent to the Zoning Board of Appeals. The administrative review described above shall be conducted by

- a. Planning Board
- b. Town of Houlton
 - 1) Public Works Department
 - 2) Fire Department
 - 3) Police Department
 - 4) Tax Assessor
 - 5) Town Manager
- c. Houlton Water Company

Article IX DEFINITION OF TERMS USED IN THIS ORDINANCE

Sec. 50 General Definitions

For the purpose of this ordinance certain words or terms shall be interpreted as follows:

"Town" or "Municipality" means the Town of Houlton.

"Official Zoning Map" means the zoning map certified and dated by the Town Clerk.

The present tense includes the future tense, the singular includes the plural, and the plural includes the singular.

The word "shall" is mandatory, the word "may" is permissive.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel", and the word "building" includes the word "structure".

The word "used" or "occupied" shall be construed to include the words "intended, arranged, or designed to be used or occupied".

Sec. 51 List of Definitions

Accessory Use or Building. A use or building on the same lot with, and customarily incidental to the principal use or building, including one real estate sign not exceeding 10 square feet in area, or 2 business signs not exceeding a total area of 2 square feet for each 5 feet of lot width.

Alteration of Building. Any change in the supporting members of a building (such as bearing walls, beams, columns, girders) except such change as may be required for its safety; any addition to a building; or moving a building from one location to another.

Automobile Graveyard. A yard or field used as a place of storage in which there is displayed to the public view three or more unserviceable, discarded, worn-out or junked vehicles or bodies or engines thereof.

Boardinghouse. Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two weeks, and where a family residing in the building acts as proprietor or owner. There is no provision for cooking in any individual room.

Building. Any structure affording shelter.

Business. One's occupation, profession or trade; the purchase and sale of goods in an attempt to make a profit; a person, partnership or corporation engaged in this; an established or going enterprise or concern.

Business Sign. A sign on which is announced the business use of the premises or the name of the operator of the business.

Camping Area. Means in addition to the general accepted interpretation, filling stations, seashore resorts, lakeshore places, picnic and lunch grounds or other premises where trailers, tents, auto homes, or house cars are permitted to be parked for compensation either directly or indirectly.

Club. Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests including fraternities, sororities, and social organizations.

Curb Cut. An access or entry point onto the public way for ingress or egress by motor egress by motor vehicles.

Dimensional Requirements. Numerical standards relating to spatial relationships including, but not limited to setback, lot area, frontage, and height.

District. A specified portion of the municipality, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Driveway. A vehicular access-way less than five hundred (500) feet in length serving two lots or less.

Dwelling. A building used for permanent living quarters for one or more families.

Dwelling Unit. A dwelling or portion thereof providing permanent living quarters for one or more persons living as a single housekeeping unit.

Exception. A use which would not be appropriate generally or without restriction in a particular district, but which, if controlled as to number, location, relation to neighborhood or standard of performance, would promote the public safety, health, convenience or welfare. Such use may be permitted in a particular district as an exception only if provided for in this ordinance subject to approval of the Board of Appeals, after a finding that such use meets all of the specified requirements.

Expansion Use. A use expansion shall mean: the addition of weeks or months to a business operating seasonal the addition of hours to a business day; the use of more floor area or ground area; or the provision of additional seats or seating capacity.

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

Front Yard. Space on the same lot with a principal building, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard is the distance between the street line and the front line of the building.

Group Development. A project (residential, commercial, industrial, educational, medical, civic, etc.) with two or more principal buildings constructed on a parcel of a least 2 acres not subdivided into customary lots and streets.

Hazardous Waste. This term shall mean any gaseous, liquid, or solid materials or substance designated as hazardous by the United States Environmental Protection Agency.

Home Occupation. An occupation, business, trade, or profession which is customarily conducted on or in a residential structure or property and which is clearly incidental and secondary to and compatible with the residential use of the property and surrounding residential uses and does not alter the outward appearance of the structure, so that it remains that of a dwelling.

Inn. A building which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. Inn includes such terms as guest house, lodging house, and tourist house.

Junk Yard. A yard or field used as a place of storage for old, discarded, worn-out, rags, batteries, paper, trash, rubber, ferrous or non-ferrous metal, or similar materials.

Lot. A parcel of land occupied by one building and the accessory buildings or uses customarily incidental to it, including such yards as are required by this ordinance, and having frontage upon a public street.

Lot Area. The area of land enclosed within the boundary lines of a lot, minus land 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. The percentage of the lot covered by all buildings.

Lot Lines. The lines bounding a lot as defined below:

Front Rear Lot Line. On an interior lot the line separating the lot from the street or right of way. On a corner or through lot, the lines separating the lot from both streets or rights of way.

Rear Lot Line. The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot shall be opposite the front lot line of least dimension.

Side Lot Line. Any lot line other than the front lot line or rear lot line.

Lot Width. The distance between the side boundaries of the lot measured at the front building line.

Major Street. A street designated as such in the Major Street Plan.

Manufacturing. The making of goods and articles by land or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

Minimum Lot Area. The land area of a parcel not including the area of any land which is: part of a right of way for a thoroughfare or easement, such as, but not limited to, surface drainage easements or traveled rights of way (but not including any utility easement servicing that lot); or which is a forested or freshwater wetland wetlands.

Mobile Home. A transportable, single-family trailer unit suitable for year-round occupancy and containing the same water supply, waste disposal and electrical convenience as immobile housing.

Mobile Home Lot. A tract or parcel of land owned by the mobile home owner and meeting the requirements of the Zoning Ordinance of the Town of Houlton.

Mobile Home Park. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

Nursing Home. Any dwelling in which 3 or more aged, chronically ill or incurable persons are housed and furnished with meals and nursing care for compensation.

Outdoor Advertising Sign. A sign which directs attention to a business, product, activity, or service which is not conducted, sold or offered on the premises where such sign is located.

Principal Building. The building other than one which issued for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Professional Offices. The place of business maintained by one or more individuals who have recognized professional academic degree/accreditation in their field, such as doctors, lawyers, accountants, architects, surveyors, psychiatrists, psychologists, counselors, but not including financial institutions or personal services.

Real Estate Sign. A sign pertaining to the lease, rental or sale of the building or lot upon which it is located.

Rear Yard. Space on the same lot with a principal building, unoccupied except by accessory buildings or uses, extending the full width of the lot and located between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Residential Use. Any land use which includes a dwelling unit.

Sectional Homes. Sectional home shall mean a factory assembled, detached residential dwelling unit suitable for year-round occupancy and conforming to the provisions of the Town of Houlton Housing Code and Uniform Code.

Setback. The horizontal distance from a lot line to the nearest part of a structure, road, parking space, or other regulated object or area.

Side Yard. Space on the same lot with a principal building, unoccupied except by accessory buildings or uses, between the side of the building and the side line of the lot and extending from the front line of the building to the rear line of the building. The

depth of the side yard is the distance between the side line of the building and the side line of the lot.

Sign. An attached or free-standing structure used for bringing the subject matter thereon to the attention of the public.

Street Frontage. The width of a lot as it fronts the street.

Storefront. That portion of a structure situated on street level designed and used for retail, commercial or business purposes.

Travel Trailer. A vehicular, portable structure building on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified Travel Trailer by the manufacturer of the trailer.

Used Merchandise Sales. The outdoor sale of used articles, conducted for more than five consecutive days or for more than two weekends per year. Used Merchandise Sales includes flea market.

Variance. A relaxation of the provisions of this ordinance in cases where a literal enforcement would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the ordinance.

Yard. An unoccupied space, open to the sky, on the same lot with a building or structure.

*Yard, Front. A yard between the front line of the building and the front line of the lot and extending the full width of the lot as it abuts along public or private street.

*Yard, Rear. A yard between the rear line of the building and the rear line of the lot and extending the full width of the lot.

*Yard, Side. A yard situated between the building and the side line of the lot extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Yard Sale. All general sales, open to the public, conducted from or on a residential premise for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like. Unless they occur on more than five consecutive days or for more than two weekends a year, they shall not be considered to the "used merchandise sales" as defined in this Ordinance and shall not require a permit from the Code Enforcement Officer.

Article X Design Review Ordinance

Sec. 52 Purpose

A. General Purpose

The area of North Street from I-95 to Union Square in the Town of Houlton is a mixed residential and business use district. This section of Town is the first area to visually introduce the business district and Historical Downtown District to incoming traffic. This lends significance to the North Street area as it contributes to the creation of a physical setting essential to the evolution of the Town as well as creating a harmonious transition between the residential and business districts. The purpose of this Ordinance is to promote the educational, cultural, economic and general welfare of the Town of Houlton, to provide for the protection and preservation of buildings, structures and places of historic value and to promote design which is compatible with the present character of Houlton.

B. Specific Intent

It is the specific intent of this Ordinance to:

1. Encourage the continued use of existing historically or architecturally importance buildings and those which contribute to the character of the District and discourage their demolition and removal;
2. Prevent inappropriate alterations of buildings of historic value;
3. Assure that new buildings are designed and built in a manner compatible with the character of the District in terms of scale and visual effect;
4. Assure that changes to contemporary buildings and new construction do not detract from adjacent buildings;
5. To provide protection for residential property owners not included within this zone;
6. To prevent visual changes which will cause a devaluing or detrimental effect upon existing commercial or residential property located in and abutting to this District.

Sec. 53 Definitions

Architectural Significance: A building or structure shall be determined to have architectural significance if it embodies distinctive characteristics of a type, period or method of construction, represents the work of a master architect or builder, or possesses high artistic values.

Building: Wherever the word "building" is used, it also refers to all structures and places (i.e., cemeteries, parks, etc.) which may or may not have buildings located on them and which are classified under this ordinance.

District: In this ordinance, District refers to the North Street Design Review District.

Historical Significance: A building or structure shall be determined to have historical significance if it is associated with events which have contributed to the formation and development of the Town of Houlton, if it is associated with the lives of people who have been important to the community or if it has made a contribution to the broader patterns of our common history.

Material Change: Material change is defined as a modification to the architectural style, general design and general arrangement of the exterior of a building or structure, including the kind of texture of the building materials and the type and style of all windows, doors, light fixtures, the appurtenant fixtures and other features such as walks, fences, driveways and parking areas. In addition, all activities that affect the exterior and require a building permit are also included in this definition.

Neighborhood Significance: A building shall have neighborhood significance if it contributes to the creation of a physical setting representing a period importance in the evolution of the Town. It is understood, in this case, that the physical setting, which is composed of buildings, landscape features and open space, and other natural and architectural features, can transcend the sum of its parts in creating a sense of history.

Reconstruction: The rebuilding, or construction again, of a building or part of a building. The reconstruction may or may not be a return to the original design of the building.

Rehabilitation: The replication or reconstruction of a building's original architectural features. Restoration usually describes the technique of preserving historical buildings.

Violations: It shall be deemed a violation of this Ordinance if an allocation fails to comply with the plans and conditions as approved by the Houlton Planning Board when it issued the Design Certification, and/or if any activity listed in Section 56 is carried on without first obtaining a Design Certificate which permits the activity to proceed.

Visually Compatible: It is not the intent that all buildings in a neighborhood should look the same, but that a mix of types, sizes, etc., that blend together well shall be allowed and that facade designs that predate 1930 be encouraged.

Sec. 54 Boundaries

Since the intent of this ordinance is to maintain the character of North Street in such a manner as to promote the development of the street's appearance, the boundaries of the Design Review District are those areas and lots which face the street.

Sec. 55 Design Certificate

A Design Certificate shall be required before a permit to proceed is issued for any of the following reasons:

- A. Any demolition of any building.
- B. Any moving of a building.
- C. Any material change in the exterior appearance of existing buildings by additions, reconstruction or alterations.
- D. Any new construction of a building or accessory building or structure subject to view from a public street, public right of way or neighboring building(s);
- E. Any material change in existing walls, fences, driveways, and parking areas or construction of new walls, fences, driveways and parking areas if subject to view from a public street or public right of way or adjacent building(s);
- F. Any addition, removal or material change of any type of lighting if subject to view from a public street, public right of way or adjacent building(s);
- G. Changes to existing or additional signing or buildings and sites.

Sec. 56 Board of Review

A. The Board of Review, for the purpose of reviewing applications for permits for Design Certificates, shall be the Houlton Planning Board.

B. The Board shall be concerned with those elements of development, redevelopment, rehabilitation and/or historic preservation that affect the visual quality of the District. The Board may make any requirements consistent with the specific intent of this Ordinance as set forth in Section I-B.

C. The Board of Review shall require notification, by the application be made to, in addition to abutters, owners of property located for three lots on either side of the lot for which Design Review is being requested and owners of lots on the other side of the street from those lots of any public hearing held for Design Review purposes. This notification shall be make in addition to the notification requirements of the Houlton Zoning Ordinance regarding public hearings for review of condition uses by the Houlton Zoning Board of Appeals. An application shall be deemed to be incomplete if it does not include proof of the above requirements.

Sec. 57 Action of Application for Design Certificates

A. The application for a Design Certificate shall be made in the Town Office on forms provided therefore. Each application shall be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed alterations, additions, changes or new construction as may be required for the Board to make a decision.

B. The Code Enforcement Officer shall transmit the application for a Design Certificate, together with the supporting information and materials, to the Board at its meeting for examination and approval. The Board shall act upon the application within 45 days of its receipt from the Code Enforcement Officer. If the Board does not act within 45 days, the application is deemed to be approved and a Design Certificate shall be issued.

C. Nothing herein shall prohibit an extension of time, by formal action for a specific period of time, for review and approval of the application if the parties have mutually agreed that more information and/or discussion is required. Unless the Board disapproves an application, a Design Certificate shall be issued with or without conditions. When the Board disapproves an application, its reasons shall be issued to the applicant in written form.

D. If an activity regulated by this Ordinance also requires a building permit, the permit shall not be issued until the Design Certificate is granted.

Sec. 58 Design Guidelines

A. Newly constructed or reconstructed buildings, as well as existing buildings and their appurtenances, which have been altered, repaired or moved, shall be visually compatible with the buildings, squares and places to which they are visually related and specifically with nearby and/or adjacent buildings in terms of the following factors.

1. **Scale of the Building:** The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the size of its doors, windows, porches and balconies. The scale gives a building "presence"; that is it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

2. **Height:** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height of buildings should be visually compatible with the heights of buildings in the neighborhood.

3. **Proportion of Building's Front Facade:** The "first impression" of a building gives, is that of its front facade, the side of the building which faces the most frequently used public way. The relationship of the width to the height of the front facade should be visually compatible with that of its neighbors.

4. **Rhythm of Solids to Voids in Front Facades:** When you look at any facade building, you see openings such as doors or window (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes in the solid and they are quite noticeable, setting up a patten or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.

5. Proportions of Opening within the Facility: Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.

6. Roof Shapes: A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings. Flat roofs are to be discouraged.

7. Relationship of Facade Materials: The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In Houlton, many different materials are used on facades - clapboards, shingles, patterned shingles, brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.

8. Rhythm of Spaces to Building on Streets: The building itself is not the only thing you see when you look at it; you are also aware of the space where the building is not, i.e., the open space which is around the building. Looking along a street, the buildings and open spaces set up a rhythm. The rhythm of spaces to building should be considered when determining visual compatibility, whether it is between buildings or between buildings and the street (setback).

9. Site Features: The size, placement and materials of walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.

10. Site Access: In no case will it be permitted to change or add any access within this District without approval from the Houlton Planning Board. In addition, traffic flow and direction will be reviewed by the Board where necessary.

11. Non-District Property Owners Protection: In order to protect those property owners in the areas not included in this District from intrusions resulting from changes within the District, it will be required that hedges, fences or other suitable buffers be installed along the property line of any District site where deemed necessary by the Board or requested by the Non-District landowner. The purpose of this buffer is to reduce noise, sight, light or traffic disturbances as well as to maintain the integrity of the residential area. The buffer shall be in keeping with the neighborhood in material and style.

12. Site Occupancy: The Board shall be concerned with those elements of development, redevelopment, rehabilitation and/or historic preservation that affect the visual quality of the District as well as protecting adjacent neighborhoods.

Use or interior arrangement does not fall within the scope of this Design Review Ordinance, but is, however, dictated by the limitations of the Zoning law.

Sec. 59 Appeals

Appeals may be taken to the Maine Superior Court in accordance with Rule 80-B, Maine Rules of Civil Procedure.

Sec. 60 Ordinary Maintenance Allowed: Public Safety

A. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior feature in the District which does not involve a change in design, material or outer appearance.

B. Nothing in this ordinance shall prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the Code Enforcement Officer shall certify is required by the public safety because of unsafe or dangerous conditions.

Sec. 61 Enforcement

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, including , but not limited to, the discontinuance of the activities undertaken without obtaining a Design Certificate as required by the Ordinance.

B. The Code Enforcement Officer shall inspect, from time to time those building structures and any appurtenances for which a Design Certificate has been issued to ensure compliance with the terms contained in the Certificate. If the Code Enforcement Officer shall find that any of the terms contained in the Certificate are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and order the action necessary to correct it.

C. A Design Certificate, secured under the provisions of this Ordinance, shall expire if the work is not commenced within one (1) year of the date on which it is granted, and if work is not completed within two (2) years of the date on which the Certificate is granted. An extension of one (1) year may be granted by the Board.

D. Failure to obtain a Design Certificate, before construction commences, shall result in a fine of one hundred dollars (\$100.00), each day thereafter a permit is not obtained constitutes a separate offense and fine as stated above.

E. There will be no variances granted under the provisions of this Ordinance.,

Sec. 62 Penalties

A. Any person who violates any provision of this Ordinance shall be guilty of a civil violation and shall be punished by a fine of One Hundred Dollars (\$100.00).

B. For the purpose of this Ordinance, each day during which there exists any violation of any provision herein, shall constitute a separate violation of such provisions.

Sec. 62 Separability

If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.