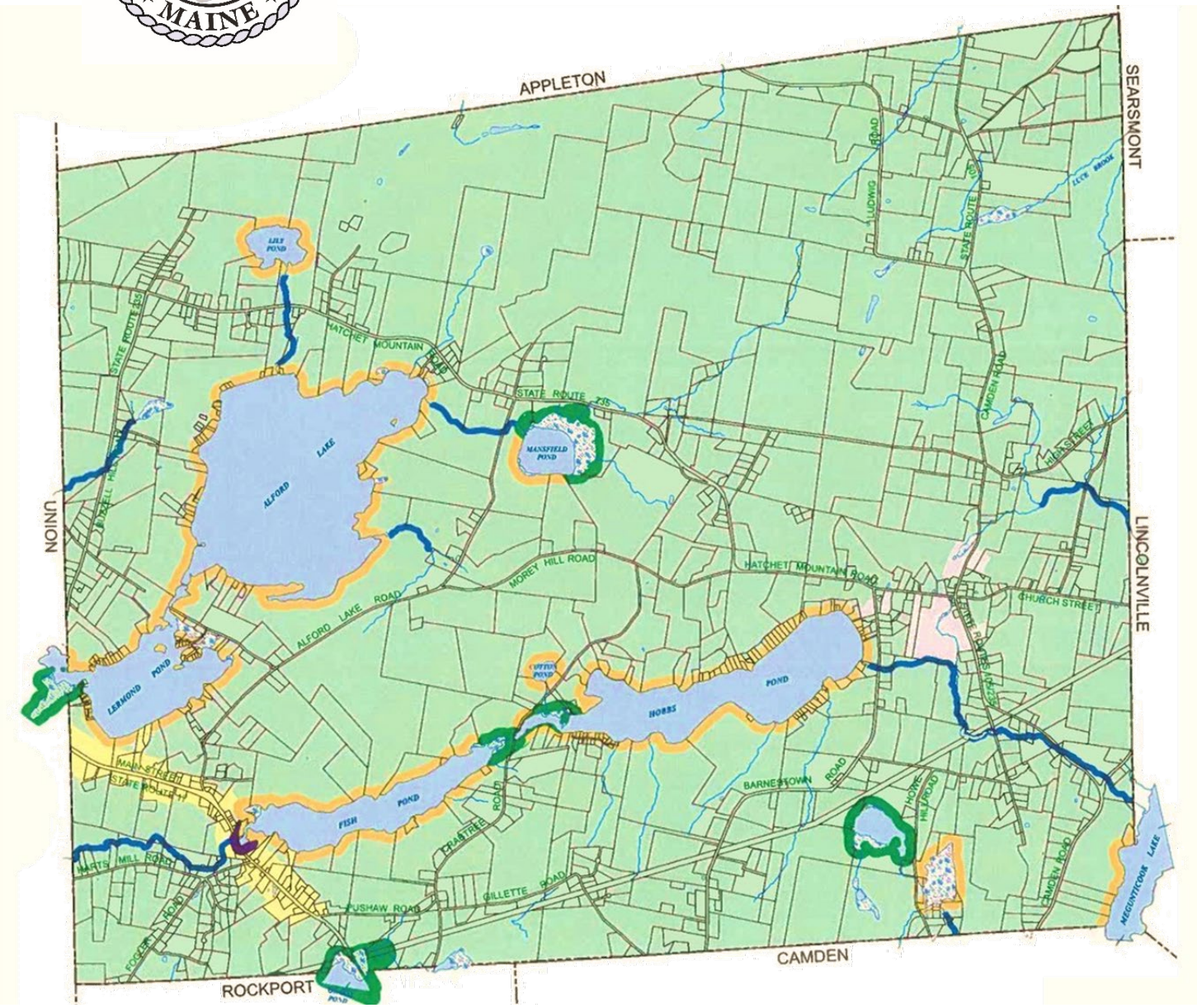
HOPE LAND USE ORDINANCE



A TRUE COPY ATTEST:

Pamela S. Jordan
Hope Town Clerk

APPROVED: November 6, 2012
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GENERAL PROVISIONS

1.1. TITLE

This Ordinance shall be known as the "Hope Land Use Ordinance "and will be referred to herein as the "Ordinance".

1.2. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution, 30-A M.R.S.A. § 4352 and 38 M.R.S.A. §§435 et seq.

1.3. PURPOSES

The purposes of the Ordinance are as follows:

1.3.1. Comprehensive Plan Implementation: To implement the policies and recommendations of the Hope Comprehensive Plan;

1.3.2. Protection of the General Welfare: To assure the comfort, convenience, safety, health and welfare of the residents of the Town of Hope;

1.3.3. Protection of the Environment: To protect and enhance the natural, cultural, and historic resources of the Town from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

1.3.4. Promotion of Community Development: To promote the development of an economically sound and stable community;

1.3.5. Encourage Vehicular Safety: To minimize traffic hazards on roads, limit excessive numbers of intersections, and insure the continued usefulness of all elements of the existing transportation system for their planned functions;

1.3.6. Balancing of Property Rights: To protect property rights and values by balancing the rights of landowners to use their land with the corresponding rights of neighboring landowners to enjoy their property without undue disturbance from neighboring uses;

1.3.7. Reduction of Fiscal Impact: To provide a means of evaluating development proposals to determine their fiscal impacts on the Town's ability to provide and improve necessary public facilities and services; and

1.3.8. Establishment of Procedures/Standards: To establish procedures whereby the Town Officials may review the developments governed by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which interested persons may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this Ordinance.

1.4. APPLICABILITY

This Ordinance shall apply to all land areas within the Town of Hope. All buildings or structures hereafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land, including the division of land, shall be in conformity with the provisions of this Ordinance. No existing building, structure, or land area shall be used for any purpose or in any manner except as provided in this Ordinance.

1.5. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance the most restrictive or higher standards shall govern.

1.6. SEVERABILITY

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

1.7. AMENDMENTS TO THE ORDINANCE OR OFFICIAL ZONING MAP

1.7.1. Initiation

An amendment to this Ordinance or Official Zoning Map may be initiated by one of the following:

1.7.1.1. Recommendation of the Planning Board

1.7.1.2. Motion of Board of Selectmen

1.7.1.3. Written petition of 10% of the number of registered voters who voted in the most recent gubernatorial election.

1.7.2. Hearings

All proposed ordinance or map amendments shall be referred to the Planning Board for its recommendation. The Planning Board shall hold a public hearing on any proposed amendment.

1.7.3. Majority Vote

The amendment may be adopted or rejected by majority vote of the voters at a Town Meeting.

1.8. ANNUAL ADMINISTRATIVE REVIEW

The Code Enforcement Officer, Planning Board, and Board of Appeals shall report annually in December to the Town Administrator and Board of Selectmen on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Town Administrator and Board of Selectmen shall include any recommended amendments they may have that would:

1.8.1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance;

1.8.2. Enhance the implementation of the purposes of this Ordinance.

1.9. EFFECTIVE DATE

The effective date of this Ordinance and Official Zoning Map and any amendments thereto, shall be the date of approval at an Annual Town Meeting or Special Town Meeting. A copy of this Ordinance and Official Zoning Map, attested by the Town Clerk, shall be on file at the Town Office.

NON-CONFORMING STRUCTURES, USES AND LOTS

2.1. NON-CONFORMING LOTS

2.1.1. Vacant Lots

2.1.1.1. A nonconforming lot may be built upon provided that such a lot is in separate ownership and not contiguous with any other lot in the same ownership and that all provisions of this Ordinance except lot area and frontage can be met. Variance of other requirements shall be obtained only by approval of the Board of Appeals.

2.1.1.2. If two (2) or more vacant, contiguous lots are in the same ownership of record at the time of adoption or amendment of this Ordinance, and if these lots do not individually meet the dimensional standards of this Ordinance, the lots shall be combined to the extent necessary to meet the dimensional standards, except:

a. Where the contiguous lots front onto different streets; or

b. The lots were legally created and recorded in an approved subdivision plan. No division of any lot may be made which leaves the lot's area, lot coverage or frontage below the minimum requirements of the Ordinance, which worsens an existing nonconformance or creates a new nonconformance.

2.1.2. Lots with Structures

A structure built on a lot prior to enactment of this Ordinance, which lot does not conform to lot size or lot frontage, may be repaired, maintained or improved and may be enlarged, in conformity with the applicable space and bulk requirements other than minimum lot area or lot frontage. If the proposed enlargement of the structures(s) cannot meet the applicable space and bulk requirements, a variance shall be required from the Board of Appeals (See Section 10).

2.2. NON-CONFORMING STRUCTURES

2.2.1. Maintenance, Modification, Replacement and Reconstruction

Except as otherwise provided herein, a structure lawfully in existence as of the effective date of this amendment, that does not meet the height or setback requirements of Section 5, may be repaired, maintained, improved, or replaced, as set forth in this section. It may be modified and/or accessory structures may be added to the site without a variance, provided that:

2.2.1.1. The resulting structure or structures do not exceed the height restrictions of the district in which the structure or structures are located.

2.2.1.2. The resulting structure or structures do not exceed the prescribed maximum lot coverage.

2.2.1.3. There shall be no increase in the nonconformity of a structure, except that a lawfully non-conforming structure may be expanded by up to 30% in volume and floor area in that portion of the structure that already exists in the front, side or rear yard setback area during the lifetime of the structure. The resulting structure shall be no closer to the front, side or rear lot line within the setbacks than the existing nonconforming structure. In addition, the resulting structure shall be no higher than the existing structure within the side and rear yard setbacks and no higher than the district height standard within the front yard setback.

2.2.1.4. No structure which is less than the required setback from the normal high water line of a water body or the upland edge of a wetland shall be expanded further toward the water body or wetland except as provided in the Town of Hope Shoreland Zone Ordinance.

2.3. NON-CONFORMING USES

2.3.1. Continuance (Grandfather Clause)

The use of land or structure, lawful at the time of adoption or amendment of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance, except as provided in Subsection 2.5, below.

2.3.2. Resumption

Whenever a nonconforming use of land and/or structure is changed to a permitted use or a use permitted by special exception, the use shall not later revert to nonconforming use.

2.3.3. Discontinuance

A nonconforming use that is discontinued for a period of twenty-four (24) consecutive months may not be resumed. The uses of the land, building, or structure shall thereafter conform to the provisions of this Ordinance.

2.3.4. Expansion of Time

A nonconforming use, including a nonconforming outdoor use of land, shall not be extended or expanded in area or function.

2.4. TRANSFER OF OWNERSHIP

Ownership of nonconforming lots, structures and/or uses as defined in this Ordinance may be transferred without loss of their lawful but nonconforming status.

2.5. CHANGES IN NON-CONFORMING LOTS, STRUCTURES AND/OR USES

Projects not within the scope of Section 2.3 may be approved by the Board of Appeals. A

non-conforming aspect of a lot, structure or use may be changed such that it is less non-conforming or no more non-conforming than the existing situation. In making its determination, the Board of Appeals shall apply the standards of Section 2.3.

NOTE: Non-conforming lots, structures, and uses in the Shoreland Zone are addressed in the Town of Hope Shoreland Zone Ordinance.

ESTABLISHMENT OF DISTRICTS

3.1. DISTRICTS ESTABLISHED

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

3.1.1. Rural Residential District
3.1.2. Hope Corner Village District
3.1.3. South Hope Village District
3.1.4. Shoreland Zoning Overlay Districts

3.2. STANDARDS ESTABLISHING DISTRICTS AND DISTRICT DESCRIPTIONS

3.2.1. Rural Residential District: The purpose of the Rural Residential District is to preserve the existing landscape and natural resources while allowing residential and mixed development that is complementary to the existing pattern of development. Resource based opportunities including farming, forest management, and recreation are encouraged.

3.2.2. Hope Corner Village District: The purpose of the Hope Corner Village District is to encourage business, services, and mixed residential development consistent with the existing village character.

3.2.3. South Hope Village District: The purpose of the South Hope Village District is to encourage business, services, and mixed residential uses in a pattern of development that creates a village atmosphere.

3.3. OFFICIAL ZONING MAP

Districts established by this Ordinance are bounded and defined as shown on the Official Zoning Map.

3.3.1. The official copy of the Zoning Map shall be that map which bears the certification that it is true and correct, attested by the Town Clerk and on file at the Town Office.

3.4. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to boundary lines of Districts as shown on the Official Zoning Map, the following rules of interpretation shall apply:

3.4.1. Boundaries indicated as approximately following the center lines of streets, highways, public utilities or right of ways shall be construed as following such center lines;

3.4.2. Boundaries indicated as approximately following shore lines of any lake or pond shall be construed as following the normal high water mark;

3.4.3. Boundaries indicated as approximately following the center lines of streams, rivers or other continuous flowing water courses shall be construed as following the channel center line of such watercourses;

3.4.4. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

SCHEDULE OF USES

4.1. SCHEDULE OF USES

This Section lists the Schedule of Uses in each District and the approval and permitting requirements necessary to conduct each use.

4.2. ABBREVIATIONS IN THE SCHEDULE OF USES

The following abbreviations contained in the Schedule of Uses have the following meanings:

Schedule of Uses Key	
HCV	Hope Corner Village District
RR	Rural Residential District
SHV	South Hope Village District
CEO	Use approved by the Code Enforcement Officer subject to all applicable standards in this Ordinance and other Town Ordinances
PB	Use approved by Planning Board through the Site Plan Review Process as defined in this Ordinance
BA	Use approved by the Board of Appeals through the Special Exception Review Process as defined in Section 10.3
PB/BA	Use approved first by Board of Appeals through the Special Exception Process (see Section 10.3) and then approved by Planning Board through the Site Plan Review Process
Yes	Use allowed without a permit
No	Use prohibited – not allowed

4.3. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES MAY BE ALLOWED.

4.3.1. Uses Allowed Without a Permit: Uses substantially similar to those allowed without a permit, but that are not listed in the Schedule of Uses, may be allowed upon a ruling by the Code Enforcement Officer that such use is substantially similar to uses listed in the schedule.

4.3.2. Uses Requiring a Code Enforcement Officer Approval: Uses substantially similar to those requiring a Code Enforcement Officer Permit, but which are not listed in the Schedule of Uses, may be permitted by the Code Enforcement Officer.

4.3.3. Uses Requiring Planning Board Approval: Uses substantially similar to those requiring Planning Board approval, but which are not listed in the Schedule of Uses,

may be approved by the Planning Board.

4.4. USES SUBSTANTIALLY SIMILAR TO PROHIBITED USES ARE PROHIBITED.
Uses substantially similar to any uses listed as a Prohibited Use in the Schedule of Uses shall be prohibited.

4.5. COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED
All uses permitted must occur and be maintained in compliance with the applicable requirements and performance standards of this Ordinance.

4.6 SCHEDULE OF USES

4.6.1. COMMERCIAL USES		**DISTRICT**		
		HCV	**RR**	**SHV**
	Affordable Housing Development(s)	PB	**No**	**PB**
	Amusement Park	No	No	No
	Art Gallery	PB	PB	PB
	Automobile Fuel/Service Station	PB	PB	PB
	Automobile Repair Service	PB	PB	PB
	Automobile Sales	PB	PB	PB
	Automobile Supplies	PB	No	PB
	Bank/Credit Union/Financial Services	PB	No	PB
	Barber/Beauty Shop	PB	PB	PB
	Bed and Breakfast (3 or more rooms)	PB	PB	PB
	Boat Sales/Service/Storage	PB	PB	PB
	Clothing Store	PB	PB	PB
	Campground, Commercial	PB	PB/BA	PB
	Cannabis Cultivation, Manufacturing, and Testing Facilities	PB	PB	PB
	Convention Center/Executive Retreat	PB	PB	PB
	Crafts/Tradesman Shop	PB	PB	PB
	Drive-Through Facility	PB	No	PB
	Flea Market	PB	PB/BA	PB
	Florist Shop	PB	PB	PB
	Fuel Oil for Heating, Sales	PB	No	PB
	Funeral Home	PB	PB	PB
	Golf Course	PB	PB	PB
	Golf Course - Miniature Golf	PB	PB	PB
	Greenhouse, Commercial	PB	PB	PB
	Grocery Store/Convenience Store/Neighborhood Store (Less than 2,000 square feet of total floor space)	PB	PB	PB
	Hardware Store	PB	PB	PB

4.6.1. COMMERCIAL USES		DISTRICT		
		HCV	**RR**	**SHV**
	Horse Boarding Facility	PB	CEO	PB
	Itinerant Peddler	CEO	CEO	CEO
	Kennel, Commercial	PB	CEO	PB
	Laundromat/Dry Cleaners	PB	No	PB
	Marina	PB	PB	PB
	Medical Cannabis Dispensaries	PB	PB	PB
	Medium and Large Solar Energy Facilities	PB	PB	PB
	Modular/Mobile Home Sales including display homes	PB	No	PB
	Motels, Hotels and Inns	PB	PB/BA	PB
	Pharmacy	PB	No	PB
	Professional Business Office Complex (Maximum 6 offices)	PB	No	PB
	Professional Business Office Complex (More than 6 offices)	PB	No	PB
	Race Track, Motorized	No	No	No
	Race Track, Non-motorized	PB	PB	PB
	Recreation Vehicles Sales and Service	PB	No	PB
	Redemption Center	PB	PB	PB
	Restaurant	PB	PB	PB
	Retail Establishment /Service-Oriented Business (Less than or equal to 2,500 square feet)	PB	PB	PB
	Retail Establishment /Service-Oriented Business (More than 2,500 square feet and less than or equal to 5,000 square feet)	PB	No	PB
	Retail Establishment /Service-Oriented Business (More than 5,000 square feet and less than or equal to 10,000 square feet)	PB	No	PB
	Retail Establishment /Service-Oriented Business (More 10,000 and less than or equal to 15,000 square feet)	PB	No	PB
	Retail Establishment /Service-Oriented Business (More 15,000 square feet	No	No	No
	Sporting Goods Sales	PB	PB	PB
	Storage/Mini-Storage (Compartmentalized) (Less than or equal to 5,000 square feet)	No	PB	PB
	Storage/Mini-Storage (Compartmentalized (More than 5,000 square feet and less than or equal to 15,000 square feet)	No	No	PB
	Storage/Mini-Storage (Compartmentalized) (More than 15,000 square feet and less than 50,000 square feet)	No	No	PB/BA
	Tattoo Parlor/Body Piercing Shop	PB/BA	No	PB/BA
	Veterinary Clinic/Animal Hospital	PB	PB	PB
	Video Rental Store	PB	PB	PB
	Wind Turbine, Commercial	PB	PB	PB
	Wireless Telecommunications Facilities/Cell Towers/ Commercial Antenna Towers	PB/BA	PB/BA	PB/BA

4.6.2. INDUSTRIAL USES		DISTRICT		
		HCV	**RR**	**SHV**
	Asphalt/Concrete Plant	No	No	No
	Biomass Processing/Refining Facility	PB/BA	No	PB/BA
	Disposal of Hazardous/Leachable Materials	No	No	No
	Solid Waste Landfill other than Agriculture	No	No	No
	Fixed Tank (not mobile) Bulk Oil and Fuel Tank Storage in excess of 1,000 gallons except for on-site heating and cooking purposes	PB	No	PB
	Food Processing Facility/Cannery	PB	PB/BA	PB
	Industrial Metallic Mineral Mining	No	No	No
	Junkyard/Automobile Graveyard/Automobile Recycling Facility	No	No	No
	Light Manufacturing (Maximum 10,000 square feet)	PB/BA	No	PB/BA
	Light Manufacturing (More than 10,000 square feet and less than or equal to 50,000 square feet)	PB/BA	No	PB/BA
	Lumber Yard, Sawmill	PB	PB	PB
	Sewage Treatment Facility	PB	PB	PB
	Slaughterhouse	No	PB/BA	No
	Warehouses and Storage Facilities	PB	PB/BA	PB
	Wind Energy Facility	No	No	No

4.6.3. INSTITUTIONAL USES		DISTRICT		
		HCV	**RR**	**SHV**
	Athletic/Recreational Facility/Courts and Fields, Commercial/Private Club	PB	PB	PB
	Athletic/Recreational Facility/Courts and Fields, Community/Public	PB	PB	PB
	Cemetery	PB	PB	PB
	Church	PB	PB	PB
	Day Care Facility	PB	PB	PB
	Fraternal Orders and Service Club, Quasi-Public Facility	PB	PB	PB
	Government Facility and Service	PB	PB	PB
	Hospital and Medical Clinic	PB	No	PB
	Municipal Solid Waste Transfer Station	PB	PB	PB
	Museum	PB	PB	PB
	Open Space, Municipal	PB	PB	PB
	School - Commercial, Public and Private	PB	PB/BA	PB

4.6.4. RESIDENTIAL USES		DISTRICT		
		HCV	**RR**	**SHV**
	Accessory Dwelling Units	CEO	CEO	CEO
	Assisted Living Facility	PB	PB	PB
	Barn/Stable	CEO	CEO	CEO
	Basketball/Baseball/Tennis Court	Yes	Yes	Yes
	Garage	CEO	CEO	CEO
	Greenhouse	CEO	CEO	CEO
	Home Occupations	CEO	CEO	CEO
	Accessory Apartment	CEO	CEO	CEO
	Kennel, Non-Commercial	PB	PB	PB
	Mobile Home Park	PB/BA	PB/BA	PB/BA
	Multi-Family Dwelling: (Maximum of six dwelling units per structure)	PB	PB	PB
	Multi-Family Dwelling: (Maximum of twelve dwelling units per structure)	PB/BA	PB/BA	PB/BA
	Two Family Dwelling: two dwelling units, including conversion from Single Family Detached Dwelling	CEO	CEO	CEO
	Roof Mounted Solar Energy Facilities	Yes	Yes	Yes
	Rooming House (Maximum of six rented rooms per structure)	PB	PB	PB
	Shed	CEO	CEO	CEO
	Single-Family Detached Dwelling	CEO	CEO	CEO
	Single-Family Mobile Home	CEO	CEO	CEO
	Small Ground Mounted Solar Energy Facilities	CEO	CEO	CEO
	Subdivision (see Subdivision Ordinance)	PB	PB	PB
	Swimming Pool	Yes	Yes	Yes
	Wind Turbine: Hobbyist	PB	PB	PB
	Wind Turbine: Personal	PB	PB	PB

4.6.5. NATURAL RESOURCES USES		DISTRICT		
		HCV	**RR**	**SHV**
	Agricultural and Horticultural Production, Sales and Storage (of products grown on premises) and Related Management Facilities	PB	PB	PB
	Animal Livestock Management	PB	PB	PB
	Dairy Farming	PB	PB	PB
	Mineral Exploration	Yes	Yes	Yes
	Mineral Extraction, affecting an area two acres or greater in size	No	PB/BA	No
	Mineral Extraction, affecting an area of less than two acres in size	No	PB/BA	PB/BA
	Mineral Products Processing and Storage not associated with Industrial Metallic Mineral Mining	No	PB/BA	No
	Timber Harvesting, Commercial and Personal	CEO	CEO	CEO

4.6.6. VEHICULAR ACCESS AND TRANSPORTATION USES		DISTRICT		
		HCV	**RR**	**SHV**
	Airport Facility, Airplane Hanger and Related Airport uses	No	PB/BA	No
	Heliport/Helipad	No	PB/BA	No
	Land Management: road and water crossings	CEO	CEO	CEO
	Major Utility Facilities, such as Transmission Lines, Water Supply and Treatment Facility, but not including Service Drops	PB/BA	PB/BA	PB/BA
	Minor Utility Facilities, including Service Drops	Yes	Yes	Yes
	Park & Ride Parking Lot (Commercial, Private or Public)	PB	PB	PB
	Private Ways	CEO	CEO	CEO
	Road Construction	Yes	Yes	Yes

LAND USE STANDARDS

5.1. LAND USE STANDARDS

The following Land Use Standards shall govern the issuance of all permits. In reviewing permit applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall consider the following land use performance standards and make written findings that each applicable standard has been met prior to issuing final approval and/or the permit. In all instances, the burden of proof shall be upon the applicant.

5.2. DIMENSIONAL STANDARDS

All structures and uses shall conform to the following dimensional requirements:

	Standard/District	**Hope Corner Village**	**Rural Residential**	**South Hope Village**
1	Minimum Lot Size for Residential Use (per Dwelling Unit)	20,000 square feet	40,000 square feet	20,000 square feet
4	Minimum Lot Size for Non-Residential Use	20,000 square feet	60,000 square feet	20,000 square feet
5	Minimum Road Frontage	75 feet	150 feet	75 feet
6	Minimum Front Setback	25 feet	50 feet	25 feet
8	Minimum Side and Rear Setback (Principal Structures and Accessory Structures more than ten (10) feet in height)	10 feet	20 feet	10 feet
9	Minimum Side Setback (Accessory Structures up to ten (10) feet in height)	5 feet	10 feet	5 feet
12	Maximum Building Height	35 feet	35 feet	35 feet
15	Maximum Lot Coverage (includes Principal Structures, Accessory Structures and Impervious Surfaces: paved or non-vegetated)	50%	30%	50%

Note: For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations. Side and rear setbacks are measured from property lines and front setbacks are measured from the edge of the road surface.

Note 2: Minimum Road Frontage may be decreased by 50% when Access Points are shared in accordance with Section 5.3.1.5.

Note 3: Structures within the Shoreland Overlay District must also meet standards set forth in the Town of Hope Shoreland Zone Ordinance. However when the shoreline setback requirement is met, the standard for front setback is the same as the side and rear setback standard for that district.

5.3. GENERAL STANDARDS

5.3.1. Access – Vehicular

An Access Point is the point of intersection of a driveway, private way, or private road and a public road. Any Access Point constructed after the adoption of this Ordinance shall be in accordance with the following standards:

5.3.1.1. Avoidance of Hazardous Conflicts. Access Points must be designed and constructed in such a way to avoid hazardous conflicts with existing turning movements and traffic flows on and from the public road.

5.3.1.2. Sight Distance. Access Points must be designed so as to provide the minimum sight distance required by the Maine Department of Transportation standards.

5.3.1.3. On-site Vehicle Turn-Around. An Access Point and the associated driveway or private road must be designed to allow vehicles to exit onto the public road without having to back onto the public road.

5.3.1.4. Grades. The maximum grade for a driveway or private road is 5% for the first 45 feet from the edge of the public road. Thereafter, the grade may not exceed 10% for driveways or private roads on lots where the use is non-residential.

5.3.1.5. Shared Access/Entrance Points. Owners of adjacent lots are encouraged to construct a shared Access Point. Road frontage requirements, if any, may be reduced by up to 50% when two (2) adjacent lot owners share one Access Point.

5.3.1.6. Drainage. In accordance with 23 M.R.S.A. § 705, as amended, culverts of size, length, and type as determined by the Town or the State must be installed and must adequately protect the road to control erosion and runoff with best management practices.

5.3.1.7. Approval. New access points on Town roads require prior approval by the Road Commissioner who will certify that all standards in this section are met and set the standards for which proper drainage surrounding the road would be achieved.

5.3.2 Agriculture

Agricultural activities and agricultural structures, shall be conducted, constructed and operated in such a manner as to prevent soil erosion, sedimentation, and contamination or nutrient enrichment of surface waters. Buffering may be used to meet these standards and to separate agricultural uses from non-compatible uses.

5.3.3. Air Pollution

Air pollution control and abatement shall comply with applicable minimum federal and state requirements. Detailed plans to minimize any activity emitting toxic or odoriferous substances must be submitted to the Code Enforcement Officer before a permit for construction is granted. An environmental impact study may be required.

5.3.4. Buffers

For a change of use on a lot, unless it is determined by the Code Enforcement Officer or the Planning Board that the proposed new use does not create any additional adverse impact on adjacent lots, there must be adequate buffering installed to provide a year-round visual screen in order to minimize adverse impacts on adjacent lots. At a minimum, mechanical equipment and service and storage areas including but not limited to areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse, must be sufficiently set back and screened from view. The buffer should be provided by evergreen vegetation or other suitable landscaping, fencing, changes in grade, or a combination of these materials.

5.3.5. Carbon Monoxide/Smoke Detectors

Dwelling units, transient accommodations or other structures where people live or regularly sleep, must be equipped with hard-wired carbon monoxide/smoke detectors.

5.3.6. Clear cutting

5.3.6.1. There shall be no clear cutting of trees within 75 feet of any public right-of-way.

5.3.6.2. Before trees are clear cut elsewhere within the Town, a written plan endorsing the clear cut and prescribing steps and a timetable for the revegetation of the land to retard erosion and preserve natural beauty shall be obtained from a professional forester registered in the State of Maine and filed with the Code Enforcement Officer. The plan shall be carried out by the property owner according to the timetable in the plan.

5.3.7. Drive-Through Facilities

Any use that provides drive-through service must be located and designed to minimize the impact on adjacent uses and lots and traffic circulation. Communication systems must not be audible on adjacent residential lots. Adequate queuing space must be provided to prevent any vehicles from having to stop and wait on a public road.

5.3.8. Dust, Fumes, Vapors, Gases, Odors, Glare, and Explosive Materials

Emission of odors, dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property must comply with State and Federal standards.

5.3.9. Exterior Lighting

All exterior lighting shall be designed to minimize adverse impact on adjacent properties. For site plan review, factors to be considered by the Planning Board in determining whether exterior lighting has been designed to minimize impact on neighboring properties shall include the location, height, shading and intensity/wattage of the proposed exterior lighting. Where practical, the Planning Board shall require exterior lighting fixtures to have motion detectors or other security options so that illumination occurs only when necessary and is otherwise dimmed or turned off.

5.3.10. Erosion and Sedimentation Controls

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized. Measures relating to conservation, erosion, and sediment control shall be included, where applicable, as part of an erosion and sedimentation control plan, prepared and submitted by an applicant, if required by the Planning Board, and shall be implemented during the site preparation, construction, and clean-up stages.

5.3.11. Flood Hazard Areas

When any lot is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, and locally adopted Floodplain Management Ordinance, all structures on the lot shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

5.3.12. Garage Sales

A residential lot may conduct no more than five (5) separate garage sales during a one-year period. Duration of any one sale shall not exceed three (3) days.

5.3.13. Hazardous, Special and Radioactive Materials

The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies. All materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

5.3.14. Home Occupations

Home occupations shall be permitted where the conduct of the proposed business is compatible with the surrounding uses and shall not create unreasonable disturbance to or interference with the quiet enjoyment of surrounding properties. Home occupations are limited to those uses which may be conducted within a principal or accessory structure without substantially changing the appearance or condition of the structure. Any home occupation or profession that is accessory to and compatible with a residential use may be permitted if:

5.3.14.1. It is conducted wholly within the dwelling unit or in a structure customarily accessory to a dwelling unit.

5.3.14.2. It is conducted only by a member or members of the family residing in the dwelling unit and there are no more than two (2) employees, other than family members residing in the dwelling unit, at any one time.

5.3.14.3. Signage meets the standards of this Ordinance.

5.3.14.4. Stored materials are not visible from a public road or adjacent properties.

5.3.14.5. There is no unreasonable amount of noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity.

5.3.14.6. The traffic generated does not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.

5.3.14.7. In addition to the off-street parking provided to meet the normal requirements of the dwelling, further adequate off-street parking must be provided for the average maximum number of vehicles which are at the property at any time during peak operating hours.

5.3.14.8. The home occupation does not utilize more than fifty percent (50%) of the total floor area of the dwelling unit and accessory buildings.

5.3.14.9. The Code Enforcement Officer shall require an applicant to submit first class postage affixed letters addressed to all abutters of the applicant's property informing them of the request for a permit. In such cases, the Code Enforcement Officer may not issue a permit until five (5) business days have elapsed since the postmark on the letter.

5.3.15. Industrial Uses

The following provisions shall apply to all permitted industrial uses:

5.3.15.1. Danger.

No material which is dangerous due to potential for explosion, extreme fire hazard, chemical hazard or radioactivity may be used, stored, manufactured, processed or assembled except in accordance with applicable State and Federal codes and regulations.

5.3.15.2. Vibration.

With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration may be transmitted outside the lot where it

originates.

5.3.16. Itinerant Peddlers

The purpose of this section is to provide reasonable rules and guidelines for the placement, conduct, and operation of itinerant peddlers within the Town.

5.3.16.1. Permitting Process and Requirements

a. No person shall be engaged as an itinerant peddler without first obtaining a peddler's permit from the Code Enforcement Officer.

b. No permit shall be issued to an itinerant peddler proposing to do business in a public way or public place until the Code Enforcement Officer has determined that the proposed location is safe for the operation of a transient peddler's business from a vehicle.

c. In addition to the application and supporting documentation, the applicant for a peddler's permit shall provide the following information to the Code Enforcement Officer:

i. A description of the goods or product to be sold

ii. A site sketch of the proposed location where the peddler intends to operate

iii. A copy of the registration of the vehicle from which the goods or products will be peddled

iv. A copy of the driver's license of the peddler or other valid identification

v. A copy of a letter of permission from the property owner if the peddler is proposing to operate from a specific parcel

vi. Payment of the appropriate fee

5.3.16.2. Performance Standards

The itinerant peddler must comply with the following performance standards to operate in the Town:

a. Location of Operation. The peddler shall only occupy the location specified on the permit.

b. Duration of Operation. The peddler shall only operate during the

calendar dates specified on the permit.

c. Hours of Operation. The peddler shall only conduct business from one hour after sunrise to one hour before sunset.

d. Vehicular and Pedestrian Safety. The peddler shall ensure that the operation is conducted in a safe and responsible manner for vehicular and pedestrian safety.

e. Signage. The peddler shall display all signage for goods and products on or adjacent to the peddler's vehicle. The total area of all signage shall not exceed fifty (50) square feet. All signage shall be removed at the close of business each day.

f. Closure at the End of the Business Day. At the close of business each day the peddler shall remove from the selling location the peddler's vehicle, all signage, and any other indicators of the peddling operation.

g. Site Appearance. The peddler shall ensure that the site is kept neat and clean and that no offensive noise, vibration, smoke, dust, glare, traffic or parking problem is created because of the peddler's operation.

5.3.17. Junkyards/Automobile Graveyard/Automobile Recycling Facilities

Junkyards, automobile graveyards, and automobile recycling businesses, whether new or existing, shall be regulated by 30-A M.R.S.A. § 3754 et seq., as amended.

5.3.18. Medical Marijuana Dispensaries

Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, this Section 5.3.18, when enacted, shall govern any proposed medical marijuana dispensary for which an application has not been submitted and acted on by the Planning Board prior to January 16, 2024. The following standards of 22 M.R.S. §2428 shall apply to all medical marijuana dispensaries:

5.3.18.1 Registered Medical Cannabis Dispensaries.

All medical cannabis dispensaries must be registered in accordance with 22 M.R.S. § 2425-A (See definitions).

5.3.18.2. Provisions Pertaining to Registered Medical Cannabis Dispensaries.

A registered dispensary may in accordance with rules adopted by the department and the Town of Hope:

a. Cultivate cannabis plants and possess all harvested cannabis from those cannabis plants.

b. Manufacture cannabis products for medical use, except that a dispensary may

not prepare food, as defined in §2152 (4).

c. Manufacture cannabis concentrate for medical use, except that a dispensary may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to §2423-F (3).

d. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that is produced from the harvested cannabis the registered dispensary provided to the manufacturing facility.

e. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the dispensary.

f. Hire any number of assistants who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver to assist in performing the duties of the caregiver pursuant to 22 M.R.S. §2423-A(2)(I-1).

g. Transport cannabis plants and harvested cannabis as necessary to carry out the activities authorized under this section.

5.3.18.3. Registered Medical Cannabis Dispensaries Requirements

This section governs the operations of registered medical cannabis dispensaries in the Town of Hope.

a. A registered medical cannabis dispensary may not be located within 500 feet of the property line of a preexisting public or private school; preexisting church, synagogue, or other house of religious worship; a lot principally being used for one, two or multi-family residential purposes; a preexisting athletic field, park, playground or recreational facility; any preexisting juvenile or adult halfway house, correctional facility, substance abuse rehabilitation or treatment center; and/or a preexisting licensed child care facility.

b. A dispensary shall implement appropriate security measures to deter and prevent unauthorized entrance into areas containing cannabis plants and harvested cannabis and the theft of cannabis plants and harvested cannabis at the dispensary.

c. The operating documents of a dispensary must include procedures for the oversight of the dispensary and procedures to ensure accurate record keeping in accordance with §2430-G.

d. All cultivation of medical cannabis plants must take place in the cultivation area unless the medical cannabis plants are being transported pursuant to

section 5.3.18.2 (f).

ii. The dispensary shall ensure that the mature cannabis plants and immature cannabis plants and seedlings cultivated by the dispensary are kept in separate spaces within the same cultivation area. The cultivation area must be located on a single parcel or tract of land, and the dispensary must disclose the location of the cultivation area to the department and the Town of Hope, via the Code Enforcement Officer. The dispensary may not maintain more than one cultivation area.

iii. Access to cultivation areas is limited to a cardholder *(see definitions)* who is an officer, director or assistant of the dispensary when acting in that cardholder's official capacity, except that an elected official invited by an officer, director or assistant for the purpose of providing education to the elected official on cultivation by the dispensary, emergency services personnel, an assistant of a cannabis testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access the cultivation area to provide professional services while under the direct supervision of a cardholder who is an officer, director or assistant of the dispensary.

5.3.18.4. Limitations.

The limitations in this section apply to all registered medical cannabis dispensaries in the Town of Hope. All registered medical cannabis dispensaries shall be limited to cultivation as defined by section 11 of this Land Use Ordinance.

a. All registered medical cannabis dispensaries shall be limited to manufacturing as defined by section 11 of this Land Use Ordinance.

b. All cannabis growing, harvesting, cultivating, and manufacturing, packaging, other than loading and unloading for transport purposes is limited to inside operations only.

c. Registered medical cannabis dispensaries shall be limited to a maximum number of two (2) with in the Town of Hope.

5.3.18.5. Prohibitions.

The prohibitions in this section apply to all registered medical cannabis dispensaries in the Town of Hope.

a. No store front dispensaries shall be permitted in the Town of Hope.

b. Sales or selling, whether retail or wholesale, as a registered medical

cannabis dispensary within the Town of Hope is prohibited.

c. It is strictly prohibited for any outside growing, cultivating, harvesting, manufacturing, packaging, and/or any other aspect of the medical cannabis dispensary business to take place outdoors other than loading and unloading for transportation purposes only.

5.3.18.6. Safety.

The following safety measures shall apply in addition to section 5.3.18.3 (b) to all registered medical cannabis dispensaries:

a. Security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, including the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises.

ii. All security recordings shall be preserved for a minimum of seventy-two (72) hours by the medical marijuana dispensary. The medical marijuana dispensary shall provide law enforcement with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the medical marijuana dispensary.

b. Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Ordinance.

5.3.19. Cannabis Cultivation, Manufacturing, and Testing Facilities

5.3.19.1. Exemption

This Ordinance does not apply to Home Cultivation for Personal Use or to Medical Cannabis operations as allowed per the Maine Medical Use of Cannabis Act.

5.3.19.2. Applicability

This section applies to all matters of cultivation, manufacturing, and testing facilities pursuant to the Cannabis Legalization Act, 28-B M.R.S. Chapter 1, §4 within the Town of Hope, subject to the following:

5.3.19.3. Site Plan Review

Any individual or entity who wishes to establish a cannabis cultivation, manufacturing, and testing facility must meet all of the requirements outlined in Section 9 of this Land Use Ordinance for the site plan review. In addition, all applications submitted to the Planning Board for site plan review must include:

a. The name, mailing address, and phone number of the applicant; and the name, mailing address, and phone number of the property owners of the property to be used, if other than the applicant. If the applicant is not the property owner of record, then a notarized signed statement from the property owner stating that the applicant has permission to utilize the premises for cannabis business must be submitted.

b. Proof of state licensure.

c. The operating plan which demonstrates the proposed size and layout of the cannabis cultivation, manufacturing, and testing facility; plans for wastewater and waste disposal; plans for providing electricity, water and other utilities necessary for the normal operation of the facility; plans for securing the proposed facility, hours of operation and plans for compliance with applicable building code and federal and state environmental requirements. An operating plan for a cultivation facility must include the proposed size and layout of the cultivation areas and must depict the total square footage of plant canopy area (or number of plants for Tier 1 cultivation facilities).

5.3.19.4. Performance Standards.

a. **Location:**

i. Each cannabis cultivation, manufacturing, and testing facility shall be operated from a permanent location and may not be permitted to operate from a moveable or mobile location.

ii. Cannabis cultivation, manufacturing, and testing facilities may not be located within 500 feet of preexisting schools (public or private), public athletic complexes, libraries, churches, public parks, and licensed day-care centers. This measurement is taken from the lines of the property on which the cannabis cultivation, manufacturing, and testing facility is located.

b. **Noise:**

i. The sound pressure level limits outline in Section 5.3.21 of the Town of Hope Land Use Ordinance must be adhered to.

ii. Solid, liquid and hazardous wastes generated during cannabis production and processing must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations, including, to the extent practicable, rules adopted pursuant to Maine Department of Environmental Protection Rule, Chapter 850 and Maine's Adult Use Cannabis Program Rule, Section 9 – Waste management found in 18-691 C.M.R., Chapter 1.

c. **Odors/Ventilation**:

i. Indoor cannabis cultivation, manufacturing, and testing facilities shall be ventilated so that the odor from the cannabis cannot be detected by a person with a normal sense of smell from any adjoining use or property. Indoor cannabis cultivation, manufacturing, and testing facilities shall have an odor mitigation system installed that has been approved and stamped by a Maine licensed engineer indicating that the system will provide sufficient odor control measures.

d**.** **Security**:

i. Cannabis cultivation, manufacturing, and testing facility shall have lockable doors and windows to include intrusion alarms with the audible and police notification components sending notification directly to or through a second party to the Knox County Sheriff's Department.

ii. Outdoor cannabis cultivation, manufacturing, and testing facilities are not permitted in the Town of Hope.

iii. Cannabis cultivation, manufacturing, and testing facilities shall have video surveillance capable of covering the exterior and interior of the operation. The video shall be operated with continuous recording 24 hours per day, 7 days per week, and such recordings shall be retained for a minimum duration of 30 days and be made available to law enforcement agencies when investigating a criminal complaint.

e. **Signs/Advertising**:

i. Within the cannabis cultivation, manufacturing, and testing facility premises there shall be at least one legible sign stating that on-premises use of cannabis is illegal, open and public consumption is illegal, no one under the age of 21 is allowed, and the use of cannabis may impair a person's ability to drive or operate machinery.

ii. Exterior signs must be in compliance with the regulations of the Hope Land Use Ordinance, and also shall not advertise cannabis brand names or utilize graphics related to cannabis or paraphernalia on the exterior of the cannabis cultivation, manufacturing, and testing facility or the building in which the business is located.

iii. There may be no display of cannabis and paraphernalia so as to be clearly visible from the exterior of a facility.

iv. There may be no off-premises signs (permanent or temporary) advertising the cannabis business.

v. No ads, coupons, signs, promotional materials, or similar shall target people under the age of 21 or non-Maine residents or visitors.

f. **Refuse/Product Waste Disposal**:

i. Solid, liquid, other non-hazardous wastes, wastewater, and hazardous wastes generated in all cannabis cultivation, manufacturing, and testing facilities must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations, including, all guidance given from the Office of Cannabis Policy (OCP) and the Department of Environmental Protection (DEP)

5.3.19.5 Entitlement to Possession.

No cannabis cultivation, manufacturing, and testing facility may be allowed if the person requesting local authorization to operate the cannabis cultivation, manufacturing, and testing facility fails to demonstrate possession or entitlement to possession of the proposed licensed premises of the cannabis establishment pursuant to a lease, rental agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

5.3.19.6 Inspections.

Cannabis cultivation, manufacturing, and testing facilities may be subject to periodic inspections by the Local Health officer, Code Enforcement Officer, Local Plumbing Inspector, and/or Fire Department to ensure compliance with health regulations, zoning or safety regulations.

5.3.19.7 Suspension or Revocation of Permit.

The permit or authorization to operate a cannabis cultivation, manufacturing, and testing facility may be suspended or revoked if the operator/owner of the cannabis cultivation, manufacturing, and testing facility refuses to permit any such officer, official, or employee listed in section 5.3.19.6, to make an inspection or take sufficient samples for analysis or who interferes with such officer, official or employee while in the performance of their duty.

5.3.19.8 Prohibition

a. Retail Cannabis stores are expressly prohibited in the Town of Hope.

b. No person or organization shall develop or operate a business within this municipality that engages in the sale of a cannabis product to consumers, as defined by 28-B M.R.S. §102.

c. Retail Cannabis Social Clubs are expressly prohibited in the Town of Hope.

d. Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Cannabis Act, 22 M.R.S.A. c. 558-C.

5.3.19.9 Maximum Number

The maximum number of cannabis cultivation, manufacturing, and testing facilities in the Town of Hope shall be capped at two (2).

5.3.19.10 Home Cultivation of Cannabis for Adult Personal Use

In accordance with 28-B M.R.S. §1502 (3) (A), the Town of Hope by the Home Rule Authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30 A, section 3001, limits the total number of mature cannabis plants that may be cultivated on any one parcel or tract of land within the Town of Hope, the cultivation of 6 mature cannabis plants, 12 immature cannabis plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land.

5.3.20 Methadone Clinics

Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Section 5.3.17B, when enacted, shall govern any proposed methadone clinic for which an application has not been submitted and acted on by the Planning Board prior to September 25, 2012. The following standards apply to all methadone clinics:

5.3.20.1. Location Criteria.

No methadone clinic shall be sited within 250 feet of the lot lines of any of the following:

a. a church, synagogue or other house of religious worship;

b. a public or private school;

c. a lot used principally for one, two or multi-family residential purposes;

d. an athletic field, park, playground or recreational facility;

e. any juvenile or adult halfway house, correctional facility, medical marijuana dispensary, or substance abuse rehabilitation or treatment center other than a methadone clinic; or

f. a licensed child care facility.

The distance cited in this subsection shall be measured between the lot line of the

proposed site for the methadone clinic and the lot line of the site of the use listed in (a) through (f) above at their closest points.

5.3.20.2. Hours of Operation.

Methadone clinics may be open for business only between the hours of 6:00 a.m. and 6:00 p.m., locally prevailing time.

5.3.20.3. Parking.

Methadone clinics shall provide adequate on-site parking spaces to meet anticipated peak hour parking needs for employees and visitors.

5.3.20.4. Security Requirements.

Security measures at a methadone clinic shall include, at a minimum, the following:

a. security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;

b. door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition;

c. a locking safe permanently affixed to the premises that is suitable for storage of all drugs and cash stored overnight on the licensed premises;

d. exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Ordinance; and

e. deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).

All security recordings shall be preserved for at least seventy-two (72) hours by the methadone clinic. The methadone clinic shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the methadone clinic.

5.3.20.5. Fire Safety.

All buildings associated with a methadone clinic shall be protected by use of fire suppression sprinkler systems or such other effective fire suppression system as may be approved by the Fire Chief. A methadone clinic shall have a Knox Box or shall provide the Fire Department with the necessary information to allow entry

by Fire Department personnel in the event of an emergency at the location.

5.3.20.6. Other Laws Remain Applicable.

A methadone clinic shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing methadone clinics, the stricter law or regulation shall control.

5.3.20.7. Maximum Number.

The maximum number of methadone clinics in the Town shall be capped at one (1).

5.3.21. Mineral Exploration and Extraction

All exploration/extraction activities, including test pits and holes, shall be capped, refilled, or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety. No portion of any ground area disturbed by the extraction activity shall be closer than seventy-five (75) feet from the edge of a public road.

5.3.22 Mobile Homes (Manufactured Housing)

The following provisions shall apply to all permitted mobile homes (manufactured housing):

5.3.22.1. HUD Approval Sufficient.

All manufactured housing, as defined, constructed after July 1, 1976 and bearing the seal of the Department of Housing and Urban Development which certifies the manufactured home was built pursuant to the provisions of the Manufactured Homes Construction and Safety Standards as revised shall be deemed to have fulfilled the requirements of this section.

5.3.22.2. Minimum Electrical Safety Standards.

All manufactured housing shall meet the minimum safety requirements for electrical installation and maintenance as provided for by the National Electrical Code.

5.3.22.3. Minimum Fire Prevention Standards.

All manufactured housing shall meet the minimum fire safety requirements as provided for by the National Electrical Code and the Manufactured Housing Construction Standards of 1976 established by the Department of Housing and Urban Development (HUD).

5.3.22.4. Minimum Plumbing Standards.

All manufactured housing shall meet the minimum standards of the Maine

Plumbing Code as amended.

5.3.23. Mobile Home Parks

The following provisions shall apply to all permitted mobile home parks:

5.3.23.1. Except as stipulated in this ordinance, all mobile home parks shall conform to all applicable state laws and the provisions of the Subdivision Ordinance. Where provisions of this ordinance conflict with the specific provisions of the Subdivision Ordinance; the provisions of this ordinance shall prevail.

5.3.23.2. Lots served by individual subsurface wastewater disposal systems shall be approved by the Local Plumbing Inspector; lots served by central subsurface wastewater disposal systems shall use a system approved by the Maine Department of Health and Human Services:

5.3.23.3. The overall density of any Mobile Home Park served by any subsurface wastewater disposal system(s) shall not exceed one dwelling unit per 20,000 square feet of total park area, exclusive of the area of road rights-of-way.

5.3.23.4. All structures and uses shall conform to the following dimensional requirements:

	Standard/District	**Hope Corner Village**	**Rural Residential**	**South Hope Village**
1	Minimum Lot Size per Dwelling Unit in a Mobile Home Park with individual subsurface wastewater disposal	20,000 square feet	20,000 square feet	20,000 square feet
2	Minimum Lot Size per Dwelling Unit in a Mobile Home Park with centralized wastewater treatment	12,000 square feet	12,000 square feet	12,000 square feet
3	Minimum Front Setback for Dwelling Units in a Mobile Home Park	30 feet	30 feet	30 feet
4	Minimum Side Setback for Dwelling Units in a Mobile Home Park	20 feet	20 feet	20 feet
5	Minimum Rear Setback for Dwelling Units in a Mobile Home Park	20 feet	20 feet	20 feet
6	Maximum Lot Coverage in a Mobile Home Park	50%	30%	50%

5.3.24. Noise

5.3.24.1. Noise shall not exceed 75 decibels between the hours of 8 a.m. and 9 p.m. or 50 decibels between the hours of 9 p.m. and 8 a.m., as measured at lot lines at a height of at least four (4) feet above the ground surface in accordance with the "American Standard Method for the Physical Measurement of Sound" (ASTM E1014-12).

5.3.24.2. The following noises are exempted from section 5.3.21.1 above:

a. Church bells,

b. Permissible construction or agricultural activities occurring between the hours of 8 a.m. and 9 p.m.,

c. Vehicles lawfully travelling on public roads, and

d. Sirens, whistles or bells lawfully used by emergency vehicles or any other alarm systems used in any emergency situation.

5.3.24.3. A person or business making a noise complaint must provide the Code Enforcement Officer with adequate evidence of a violation to allow the Code Enforcement Officer to properly issue notice of the alleged violation to the person or business against whom the complaint is made. Any person or business receiving notice of an alleged violation shall be entitled to submit evidence which rebuts the allegation. The Code Enforcement Officer shall ultimately have the authority to determine whether a violation has occurred.

5.3.25. Off-Street Parking

5.3.25.1. In all new construction, alterations and changes of use, there shall be provided off-street parking and loading space adequate for their use. The following minimum number of spaces shall be provided and maintained in case of new construction, alterations and changes in use:

Use	Parking Space Requirements
Residential dwellings	Two (2) parking spaces for each dwelling unit
Transient Accommodations	Bed and Breakfast accommodations, motels, hotels, boarding houses, and inns with ten (10) rooms or less: two (2) parking spaces plus one space for each guest room. Motels, hotels, boarding houses, and inns with more than ten (10) rooms: one parking space for each guest room plus one space for each three (3) employees
Schools	Five (5) parking spaces for each classroom plus one space for each four (4) employees
Theaters, churches, other public assembly places	One parking space for every four (4) seats or one parking space for every one hundred (100) square feet.
Retail Stores	One parking space for every two hundred (200) square feet of retail area, plus one parking space for every two (2) employees, unless public parking is provided
Restaurants, eating or drinking establishments	One parking space for every four (4) seats, plus one parking space for every two (2) employees, unless public parking is provided
Professional Offices and Public Buildings	One parking space for every two hundred (200) square feet of gross leasable area, exclusive of cellar and bulk storage areas, unless public parking is provided
Industrial	One parking space for each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations

5.3.25.2. No off-street parking shall be located within 10 feet of any side or rear lot line.

5.3.25.3. The Planning Board may approve the joint use of a parking facility by 2 or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reasons of variation in the time of use by patrons or employees among such establishments.

5.3.25.4. Required off-street parking shall be located on the same lot as the principal building or use, except that where off-street parking cannot be provided on the same lot, the Planning Board may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along the line of public access. If serving a non-residential use, such parking area shall be in a non-residential district. Such parking areas shall be held under the same ownership or lease.

5.3.25.5. Parking areas shall be designed to prevent stormwater runoff from flowing directly into a water body or wetland, and where feasible, to retain all runoff on-site.

5.3.25.6. Where a parking area abuts a public right-of-way, a continuous strip of landscaping of a minimum of six (6) feet in width along the public right-of-way within the parking area shall be provided and properly maintained, provided, however, that the landscaping shall not interfere with sight distance and traffic safety.

5.3.25.7. Parking areas shall be divided into small areas of no more than fifty (50) parking spaces each, by landscaping such as shade trees, shrubs, and park benches.

5.3.25.8. The Planning Board may, at its sole discretion, increase or decrease the above parking requirements depending upon individual applicant circumstances. An applicant requesting a deviation from the above standards must demonstrate to the satisfaction of the Planning Board that the request is appropriate to the planned use.

5.3.26. Private Ways

The Code Enforcement Officer may approve the use of a private way to provide frontage and access to individual lots of land in accordance with the following provisions:

5.3.26.1. A plan showing the private way shall be prepared by a registered land surveyor. The plan shall be labeled "Plan of a Private Way" and shall provide an approval block for the signature of the Code Enforcement Officer. The plan shall delineate the proposed way and each of the lots to be served by the private way.

5.3.26.2. Private ways shall be designed so as not to be subject to seasonal flooding or washout and not to disturb wetlands. Drainage ditches and culverts shall be provided wherever appropriate. A street plan, cross section and drainage plan shall be submitted for each private way serving three (3) or more lots and approved by the Road Commissioner.

5.3.26.3. The plan shall bear notes that the Town will not be responsible for the maintenance, repair or plowing of the private way, and that further lot divisions utilizing the private way are prohibited without prior approval of the Code Enforcement Officer.

5.3.26.4. If the private way or private road is to provide access to two (2) or more lots, a maintenance agreement shall be required by the Code Enforcement Officer and recorded in the Knox County Registry of Deeds. The maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private way.

5.3.26.5. The construction of private ways shall comply with the following minimum standards. If the private way is to provide access to 3 or more lots, the

construction of the private way shall comply with the standards for a private road as defined under Section 1400 of the Subdivision Ordinance.

	Number of Units or Lots Served			
	1	**2**	**3-4**	**5 or More**
Right-of-way width	30’		Same as street design standards for Private Roads in Subdivision Ordinance	Same as street design standards for Public Roads in Subdivision Ordinance
Minimum roadway width	12'	16'	" "	" "
Minimum sub-base (heavy road gravel with min. stone size 4")	12"	15"	" "	" "
Minimum wearing surface (fine gravel)	2"		" "	" "
Maximum grade	10%	8%	" "	" "
Minimum grade	0.5%	0.5%	" "	" "
Turnaround at dead end	Circle or "T"		" "	" "
Storm water drainage	Approval of Road Commissioner		" "	" "

5.3.26.6. If the Code Enforcement Officer determines the need, a turnout to provide space for 2 vehicles to pass shall be provided for every 500 feet of the private way.

5.3.26.7. The driveway shall not cause a hazard to pedestrian or vehicular traffic. The Site Plan Review criteria for vehicular access (minimum sight distance in each direction based on allowable speed) shall be used where necessary.

5.3.26.8. Not more than 1 driveway is to be allowed over any given front lot to serve back lots.

5.3.26.9. Any waiver requires Planning Board approval.

5.3.26.10. The plan and/or deed description of the private way shall be recorded in the Knox County Registry of Deeds within 90 days of the date of approval by the Code Enforcement Officer. If it is not recorded within this time period, the approval shall be null and void.

5.3.26.11. Any change, such as the creation of another lot, shall require prior approval by the Code Enforcement Officer under this subsection.

5.3.26.12. Private ways approved by the Code Enforcement Officer must be constructed and utilized at the time the lot is developed.

5.3.27. Refuse Disposal

All solid and liquid wastes shall be disposed of in a timely basis and in an environmentally safe manner. Solid and liquid wastes shall not be accumulated so as to be a safety hazard.

5.3.28. Road System Adequacy

For developments that generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the development site within one (1) mile of any entrance road which are functioning at a Level of Service of D or better prior to the development must function at a minimum at Level of Service D after development. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

5.3.29. Signs

5.3.29.1. Signs Prohibited. Any sign, whether new or existing, which poses a traffic hazard or a nuisance to adjacent lots due to illumination, placement, display, or obstruction of existing signs, shall not be permitted.

5.3.29.2. Temporary Signs. Signs of a temporary nature, such as, advertisements or notices of charitable functions or community meetings, lost pets, and other non-commercial signs of a similar nature, are permitted for a period not to exceed sixty (60) days, provided that the persons who posted the signs shall be responsible for their removal. This section does not apply to signs posted by the Town.

5.3.29.3 Sign Requirements. All signs, other than temporary signs, shall meet the following requirements:

a. The maximum total display area of all signs, including attached and detached, on each premises shall not exceed fifty (50) square feet. In addition, one row of letters identifying the name or owner of the business is permitted on the front of the building, provided the letters are not illuminated and do not exceed twelve (12) inches in height.

b. Signs may be externally illuminated only by downward, shielded, non-flashing lights so as to effectively prevent beams of light from being directed at neighboring residential properties or at oncoming traffic on a public road unless the light is of such low intensity or brilliance so as not to cause glare or impair the vision of the driver of any motor vehicle.

5.3.29.4. **Exempt Signs.** The following signs are exempt from the provisions of this section except as otherwise provided for herein: Traffic control signs, signals, and/or other devices regulating or enhancing public safety, erected by a governmental body.

5.3.30. Site Conditions

During construction, the site shall be maintained and left each day in a safe and sanitary manner and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon order of the Code Enforcement Officer or other authorized personnel.

5.3.31. Soils

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

5.3.32. Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties. To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

5.3.33 Subsurface Wastewater Disposal and Sewers

5.3.33.1 The owner of all structures must provide written verification that the proposed building(s) can be connected to adequate wastewater services prior to certification for occupancy. This applies to all commercial and residential uses. Written verification must include the following:

5.3.33.1.1 If connected to a comparable sewer system, as described in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

5.3.33.1.2 If connected to a private septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, *Subsurface Wastewater Disposal Rules*.

5.3.34. Temporary Storage

Portable or mobile trailers, vans, similar vehicles, shipping containers, or railroad cars may be used for storage only upon approval of the Code Enforcement Officer and only for a temporary period not to exceed one (1) year. Such approval may be extended by the Code Enforcement Officer for successive periods of up to six (6) months each if a finding can be made that: 1) there is a valid temporary need which cannot be met with the principal structure, 2) adequate economic hardship can be shown, 3) the initial approval, or any renewal, of the use will not in any way be detrimental to the neighboring properties, and 4) the use is not intended as a permanent or long term use.

5.3.35. Transient Accommodations, Bed and Breakfast Accommodations

Bed and Breakfast accommodations shall be permitted in the private, year round residence of the host family who live on the premises provided that the maximum number of guests at any time is eight (8) persons; the maximum number of guestrooms is three (3); and breakfast is the only meal provided by the host family.

5.3.36. Utility Installation

The installation of utilities such as electrical service, transmission lines and associated cables shall be installed so as to be consistent with the abutting properties.

5.3.37. Wastewater Discharge

No building, structure, activity, or use shall discharge untreated wastewater directly to a water body. There shall be no storage of materials which by their volume, toxicity, temperature or obnoxiousness or by their location, will run off from or percolate into the soils and pollute subsurface or ground waters.

5.3.38. Water Quality Protection

An existing or proposed use on a lot must not adversely impact either the quality or quantity of groundwater available to adjacent lots.

5.3.39. Wind Turbines

The intent of the Section is to regulate the placement, construction, and modification of wind turbines while allowing the safe, effective, and efficient use of this technology.

5.3.39.1. Siting Requirements for Wind Turbines

a. Wind turbines shall be a permitted use in all Districts.

b. Each parcel shall be limited to one wind turbine.

c. Wind turbine towers shall not exceed a maximum height of one hundred (100) feet above existing grade, except school parcels which shall not exceed a maximum height of one hundred forty (140) feet

above existing grade.

d. Wind turbine towers shall not be lighted unless required by the Federal Aviation Administration (FAA).

5.3.39.2. Setback Requirements

Wind turbines shall be set back a distance equal to one hundred ten percent (110%) of the height of the tower and blade length from adjoining property lines.

5.3.39.3. Sound Requirements

a. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

b. Prior to approval, the applicant shall provide documentation from the manufacturer that the wind turbine will not produce noise levels in excess of the standards in subsection c, as measured at the closest property line.

c. After approval and installation of the wind turbine, the Code Enforcement Officer shall perform sound measurements at the closest property line to determine ambient and operating decibel levels utilizing the table below.

Ambient Reading Without Wind Tower (dBA)	Maximum Permitted Reading With Wind Tower (dBA)
45	55
50	56
55	61
60	62
65	66

d. Upon complaint of an abutter, ambient and maximum permitted decibel measurements shall be performed by an agent designated by the Code Enforcement Officer. The report shall be submitted to the Code Enforcement Officer for review. The fee for this service shall be paid by the complainant unless the maximum permitted decibel level has been exceeded in which case the owner of the wind turbine shall pay the fee.

e. If the maximum decibel readings are exceeded, the installation shall be considered in violation of the provisions of Section 5.3.21 and this Section.

f. The nuisance violation must be corrected within 90 days from notification of the violation and if the violation cannot be corrected, the wind turbine shall be removed or relocated.

5.3.39.4. Permitting Requirements

In addition to the application and supporting documentation required by Section 8, the applicant for a wind turbine shall provide the following information to the Code Enforcement Officer;

a. A site plan of the property showing the location of the proposed wind turbine, existing and proposed structures, and any other significant features on the property,

b. Structural drawings of the tower, base pad, footings, and guy wires prepared by the manufacturer or a professional engineer,

c. Drawings and specifications of the generator, hub, and blades, prepared by the manufacturer or a professional engineer,

d. Photographs of the proposed site and the specific wind turbine to be installed.

5.3.40. Wireless Telecommunications Facilities

5.3.40.1. Applicability

This section applies to all construction and expansion of wireless telecommunications facilities, including communication facilities and towers.

5.3.40.2. Exemptions

The following are exempt from the provisions of this Ordinance:

a. Wireless communication facilities for telecommunications by public officials

b. Amateur (ham) radio stations licensed by the Federal Telecommunications Commission (FCC)

c. Parabolic antennas less than seven (7) feet in diameter, that are an accessory use of the property

d. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility

e. A temporary wireless telecommunications facility, in operation for a maximum period of one hundred eighty (180) days

f. An antenna that is an accessory use to a residential dwelling unit

5.3.40.3. Site Plan Review Application

Wireless telecommunications facilities, including expansions of existing facilities, shall comply with the application requirements of Section 9, Site Plan Review, and shall also include the following additional information:

a. A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility will comply with FCC regulations.

b. A USGS 7.5 minute topographic map showing the current location of all structures and wireless telecommunications facilities above one hundred fifty (150) feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility. This requirement shall be deemed to have been met if the applicant submits current information (i.e. within thirty (30) days of the date the application is filed) from the FCC Tower Registration Database. Include documentation of longitude and latitude.

c. A site plan prepared and certified by a professional engineer registered in Maine indicating the location, type and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access and setbacks from property lines. The site plan must include certification by a professional engineer registered in Maine that the proposed facility complies with all American National Standards Institute (ANSI) standards and other applicable technical codes.

d. Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.

e. A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.

f. Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application review. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

g. A written description of how the proposed facility fits into the

applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

h. Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, which may consist of any one or more of the following:

i. Evidence that no existing facilities are located within the targeted market coverage area as required to meet applicant's engineering requirements.

ii. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements.

iii. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:

(1) Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

(2) The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.

(3) Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

iv. For facilities existing prior to the effective date of this Ordinance, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this Ordinance or amendment thereto.

i. A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

i. Respond in a timely, comprehensive manner to a request for information from a potential collocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

ii. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

iii. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for collocation;

iv. Require no more than a reasonable charge for shared use. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

j. A form of surety approved by the Planning Board to pay for the costs of removing the facility if it is abandoned.

5.3.40.4. Standards

a. Location. A wireless telecommunications facility may be permitted only in the following locations:

i. Within 1,000 feet of the top of Hatchet Mountain Rd;

ii. Collocated on an existing facility;

iii. Placed onto an existing structure when it is designed to blend harmoniously into the existing architecture and appearance of the original structure. Examples include, but are not limited to, a facility using a steeple which has the appearance of being part of the existing steeple or a facility atop a building which has the appearance of a chimney, vent, or other traditional appurtenance to the existing building; or

iv. On Town Property

b. Siting on Town Property. If an applicant proposes to locate a new wireless telecommunications facility on municipal property, or expand an existing facility on Town property, the applicant must show the following:

i. The proposed location complies with applicable municipal policies and ordinances.

ii. The proposed facility will not interfere with the intended purpose of the property.

iii. The applicant has adequate liability insurance and a lease agreement with the Town that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

c. Design for Collocation. A new or expanded wireless telecommunications facility and related equipment must be designed and constructed to accommodate future collocation of at least three (3) additional wireless telecommunications facilities or providers. Collocation shall not be considered an expansion.

d. Height. The maximum height of new or expanded wireless telecommunications facilities shall be two hundred (200) feet. The facility shall be designed to collapse in a manner that does not harm other property.

e. Setbacks. A new or expanded wireless telecommunications facility must comply with the setback requirements set forth in this Ordinance, or be set back one hundred ten percent (110%) of its height from all property lines, whichever is greater. The setback may be satisfied by including adjacent areas outside the property boundaries if secured by an easement. An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

f. Landscaping. The base of a new or expanded wireless telecommunications facility must be screened, with plants, from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

g. Fencing. A new or expanded wireless telecommunications facility must be fenced with a secured perimeter fence of a height of eight (8) feet to discourage trespassing on the facility and to discourage climbing on any structure by trespassers.

h. Lighting. A new or expanded wireless telecommunications facility must be illuminated as necessary to comply with FAA or other applicable state, federal and local requirements or Site Plan Review conditions. Security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site,

to the maximum extent practicable.

i. **Color and Materials.** A new or expanded wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

j. **Structural Standards.** A new or expanded wireless telecommunications facility must comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

k. **Noise**. Except during construction, repair, or replacement, operation of a back-up power generator at any time during a power failure and testing of a back-up generator between 8 a.m. and 9 p.m. are exempt from the noise standards set forth in this Ordinance.

5.3.40.5. Standard Conditions of Approval

The following standard conditions of approval shall be a part of any approval issued by the Planning Board. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include:

a. The owner of the wireless telecommunications facility and his or her successors and assigns agree to:

i. Respond in a timely, comprehensive manner to a request for information from a potential collocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

ii. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

iii. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for collocation.

iv. Require no more than a reasonable charge for shared use of the wireless telecommunications facility. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above

costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications facility.

5.3.40.6. Abandonment

A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of a written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the Code Enforcement Officer that the facility has not been abandoned. If the Owner fails to show that the facility has not been abandoned, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the Town may utilize the surety to remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation, to the extent that such costs are not covered by the surety. The owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

5.3.41 Solar Energy Facilities

5.3.41.1 Standards for Roof Mounted Solar Energy Facilities

5.3.41.1.1 All roof and building mounted solar energy facilities and equipment are permitted by right and shall be allowed unless otherwise determined by the Code Enforcement Officer, with input from the Fire Chief, to present one or more unreasonable safety risks, including, but not limited to, the following:

a. Weight load

b. Wind resistance

c. Ingress or egress in the event of fire or other types of emergencies

d. Proximity of ground mounted facilities relative to buildings

5.3.41.1.2 All solar energy facility installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association (NFPA1).

a. All wiring shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Electric Code (NFPA 70) [hereinafter NEC] as adopted by the State of Maine.

b. Prior to operation, electrical connections must be inspected and approved by the State Electrical Inspector.

5.3.41.1.3 Height Requirements for Roof-Mounted Solar Energy Facilities

a. Facilities cannot be mounted higher than 2 feet above the roof pitch on any residential structure.

b. Facilities cannot be mounted higher than 4 feet above the roof pitch on any non-residential structure.

c. A facility cannot be higher than 4 feet above the structure on a flat roof.

5.3.41.2 Standards for Ground Mounted Solar Energy Facilities

5.3.41.2.1 All solar energy facility installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association (NFPA1).

a. All wiring shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Electric Code (NFPA 70) [hereinafter NEC] as adopted by the State of Maine.

b. Prior to operation, electrical connections must be inspected and approved by the State Electrical Inspector.

5.3.41.2.2 **Medium- and Large-Scale ground Mounted Solar Energy Facilities** shall comply with the following:

a. **Utility Connections**: Overhead or pole-mounted electrical wires shall be avoided to the extent possible within the facility.

b. **Safety**: All medium- and large-scale solar energy facilities shall be subject to site plan review as outlined in section 9 of the Hope Land Use Ordinance.

c. **Certification of the EPA "Toxicity Characterization Leaching Procedure (TCLP):** Shall be provided along with proof that all electrical equipment used at the facility must be UL listed. No substitutions of other certifications for the UL listing or the TCLP shall be permitted.

d. **Visual Impact:** Reasonable efforts, as determined by the Planning Board, shall be made to minimize undue visual impacts by preserving native vegetation, screening abutting properties or other appropriate measures, including adherence to height standards and

setback requirements and to reduce glare in the direction of abutting or neighboring properties or roads and streets.

e. **Land Clearing, Soil Erosion, and Habitat Impacts:** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of any ground mounted solar energy facility or as otherwise prescribed by applicable laws, regulations, and ordinances. Ground mounted facilities shall minimize mowing to the extent practicable. Removal of mature trees shall be avoided to the extent possible. Native, pollinator-friendly seed mixtures shall be used to the extent possible. Herbicide and pesticide use shall be minimized. No prime agricultural soil or significant volume of topsoil shall be removed from the site for installation of the facility.

f. **Setbacks:** The minimum setback requirements for all ground mounted solar energy facilities is 100 feet from any right of way or public road and 20 feet from any side property line.

g. **Fencing:** Fencing shall be installed as required by the NEC for ground-mounted solar energy facilities in accordance with the size of the solar energy facility. To allow for wildlife passage, fences should be elevated by a minimum of 5 inches.

h. **Signage:** A sign shall be placed on the solar energy facility to identify the owner and provide a 24-hour emergency contact phone number and equipment specification information. Said information shall be depicted within an area no greater than eight [8] square feet. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

i. **Lighting:** Any and all lighting on the site shall be downward facing.

j. **Roads:** A medium- or large-scale ground-mounted solar energy facility owner or operator shall maintain a road for year-round access to the facility to accommodate emergency vehicles.

5.3.41.2.3 Removal: Solar energy facilities that have reached the end of their useful life or have been abandoned consistent with this ordinance shall be removed. The owner or operator shall physically remove the installation no more than 365 days after the date of discontinued operations. The owner or operator shall notify separately the Select Board, Planning Board and the Code Enforcement Officer by certified mail of the proposed date of discontinued operations.

5.3.41.2.4 Abandonment: Absent notice of a proposed date of decommissioning

or written notice of extenuating circumstances, a medium-scale or large-scale ground-mounted solar energy facilities shall be considered abandoned when it fails to operate for more than one year.

a. If the owner or operator of the solar energy facilities fails to remove the installation within 365 days of abandonment or the proposed date of decommissioning.

b. The Town retains the right to use all available means to cause an abandoned, hazardous or decommissioned medium-scale or large-scale ground-mounted solar energy facilities to be removed.

c. Annual inspections by the Town will continue at the owner or operator's expense until the site is removed and returned to its original state.

5.3.41.2.5 Operations and. Maintenance Plan: The project proponent shall submit a plan for the operation and maintenance of the large-scale ground mounted solar energy facilities, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.

5.3.41.2.6 Emergency Services:

a. The large-scale ground-mounted solar energy facilities owner or operator shall provide a copy of the project summary, electrical schematic and site plan to the Code Enforcement Officer and Fire Chief.

b. Upon request, the owner or operator shall cooperate with the Code Enforcement and/or Fire Department in developing an emergency response plan.

c. All means of shutting down the solar energy facilities shall be clearly marked.

d. The owner or operator shall provide the Code Enforcement Officer with the name and contact information of a responsible person for public inquiries throughout the life of the installation.

5.3.41.3 Solar Energy Facilities Site Plan Review.

5.3.41.3.1 All Roof-Mounted Solar Energy Facilities:

a. Does not require site plan review.

b. Does not require a building permit.

c. Does not require a decommissioning plan.

5.3.41.3.2 Small-Scale Ground-Mounted Solar Energy Facilities:

a. Does not require site plan review.

b. Must obtain a building permit.

c. Decommissioning is governed by State Statues.

5.3.41.3.3 Medium-Scale and Large-Scale Ground-Mounted Solar Energy Facilities shall adhere to Hope's Site Plan Review in Section 9 and building permit standards and requirements, as well as comply with the following:

a. Property lines and physical features, including roads and setbacks, for the project site.

b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation and/or structures and erosion control plan.

c. Blueprints or drawings of the solar energy facilities showing the proposed layout of the facilities, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector.

d. A preliminary equipment specification sheet which documents all proposed solar panels, significant components, mounting systems and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of the building permit.

e. Name, address, and contact information of the proposed solar energy facilities installer, the project proponent, project proponent agent, and all co-proponents or property owners, if any; and a preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems and inverters that are to be installed, including a one or three-line electrical diagram detailing the solar photovoltaic installation, associated components and electrical interconnection methods. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.

f. Name, address, and contact information of proposed or potential solar energy facilities installer and the owner and/or operator of the solar energy facilities. Information of the final solar energy facilities installer shall be submitted prior to the issuance of a building permit.

g. Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the solar energy facilities.

5.3.41.3.4 Property Operation and Maintenance Plan.

a. The property operation and maintenance plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing, trimming vegetation and road maintenance, to also include snow removal.

b. Locations of important plant and animal habitats identified by the Maine Department of Inland Fisheries and Wildlife, if any.

c. Locations of wetlands and waterbodies, if any.

d. Locations of shoreland zones, floodplains or well-head protection areas, if any.

5.3.41.4 Decommissioning Plan:

5.3.41.4.1 Large Scale Ground Mounted Solar Energy Facilities must submit a decommissioning plan which shall be included as a part of the building permit application or site plan review application. The decommissioning plan shall include:

a. How the physical removal of all solar energy facilities, structures, equipment, security barriers and transmission lines from the site will be accomplished.

b. How the disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations will be performed.

c. How the stabilization or re-vegetation of the site as necessary to minimize erosion. The Applicant must include restoration of native, pollinator-friendly seed mixtures which shall be used to the maximum extent possible in re-vegetation.

5.3.41.4.2 Estimate of costs for the decommissioning of the solar energy facilities:

a. Details of how the estimate of these costs were derived; and including the data which was the basis for the estimate.

b. How decommissioning will be paid for:

i. A performance guarantee level set at 100% shall be paid into an escrow method using a figure to be recalculated every five

(5) years by a Licensed Professional Engineer holding such licensure in Maine, the cost of which shall be borne by the owners.

ii. The applicant, owner, or operator will provide a performance guarantee paid to the Town and will ensure continuous coverage by a performance guarantee throughout the life of the project, up to and including the decommissioning process, in an amount equal to the estimated cost of removal with salvage factor figured in.

iii. The performance guarantee can be in the form of:

(a) performance bond, or

(b) escrow account established with the Town, or

(c) other form of financial assistance as may be deemed acceptable to the Town as determined by the Planning Board and legal counsel for the Town.

iv. The financial guarantee shall include a signed consent provision from the Applicant, owners or operators granting and guaranteeing the Town the authority to access the funds and property, and perform decommissioning if the facility is abandoned and the owner or operator fails to meet their obligations to remove the solar energy facilities.

v. The Applicant, owner or operator shall provide the Town the identified performance guarantee prior to the issuance of a building permit/site plan review permit.

vi. Every three (3) years after the date of issuance of the building permit the Applicant, owner or operator is responsible for notifying the Select Board, via the Town Administrator, in writing when the performance guarantee is recalculated.

vii. The owner or operator is also responsible for notifying the Town in writing if the performance guarantee is revoked, and in such cases, shall provide the Town with a replacement performance guarantee, within 30 days which must be approved by legal counsel for the Town or the owner's or operator's permit to operate the solar energy facilities will be revoked.

5.3.41.5 License and Inspection.

5.3.41.5.1 Initial Operation License.

a. Prior to operation, the owner or operator of a Large -Scale Solar Energy Facility must obtain an Operation License from the Town and pay the fee for same as established by the Select Board.

b. The solar energy facilities will be inspected by the Code Enforcement Officer to ascertain compliance with the requirements of this Ordinance and the requirements of any permit issued before the Solar Energy Facilities Operation License will be issued by the Town.

c. The operator or owner must provide proof to the Code Enforcement Officer of current required state or federal licenses or permits.

5.3.41.5.2 Renewal of Operation License.

a. The operator or owner of a Large-Scale Solar Energy Facility must reapply bi-annually for renewal of its Operation License.

b. An inspection by the Code Enforcement Officer and payment by the owner or operator of the bi-annual fee as established by the Select Board is required for the renewal of the Operator License.

c. The operator or owner must provide annual proof in writing to the Code Enforcement Officer of performance bond.

d. The operator or owner must provide the Code Enforcement Officer with proof of any and all state or federal licenses or permits that are required annually. Inspections shall include, but are not limited to the following areas of review:

i. Spot checking of solar panels for cracking or evidence of water infiltration within the panels. Any panel identified as deficient or defective by the Code Enforcement Officer shall be removed and/or replaced by the solar energy facilities owner or operator within 24 hours.

ii. Proper grounding of equipment.

iii. Compliant perimeter fencing in good repair.

iv. Proper signage.

v. Proper installation and maintenance of all safety

systems.

vi. Proper control of vegetation.

vii. Proper maintenance of roads within solar energy facilities area.

5.3.41.5.3 Emergency Inspections.

a. Any emergency inspections will be done at no cost to the owner or operator in the event that an Act of God or other disaster has occurred in which it could be reasonably believed to have damaged or cracked any solar panels.

b. Any solar energy facilities owner and/or operator shall incur a fine of $300 per day for failing to correct any deficiencies identified by the Code Enforcement Officer within the time frame established by the Code Enforcement Officer.

c. All notifications on deficiencies shall be in writing and provided to the solar energy facility owner and/or operator at the address provided in the most recent license application submitted to the Town.

5.3.41.6 Sizes and Limitations.

5.3.41.6.1 Small-Scale Solar Energy Facilities

a. Small Scale Solar Energy Facilities are ones whose physical size are based on total size of the solar energy facility aggregate structure projected over a roof or the ground is less than 1,800 square feet. (.04 acre or less in size)

b. There is no limit to the number of small-scale solar facilities allowed in Hope.

5.3.41.6.2 Medium-Scale Solar Energy Facilities

a. Medium-Scale Solar Energy Facilities are ones whose physical size are based on the total size of the solar energy facility aggregate structure projected over a roof or the ground is greater than 1,800 square feet but less than 40,000 sq. ft. (.04 acre – approx. 1 acre in size)

b. There is a limit of five (5) medium-scale solar facilities allowed in Hope.

5.3.41.6.3 Large-Scale Solar Energy Facilities

a. Large Scale Solar Energy Facilities are those whose physical size are based on the total size of the solar energy facility aggregate structure projected over a roof or the ground is greater than 40,000 square feet. (Greater than 1 acre in size)

b. There is a limit of one (1) large-scale solar facility allowed in Hope.

5.3.42 Potable Water

5.3.42.1 The owner of all structures must provide written verification that the proposed building(s) can be connected to a potable water source prior to certification for occupancy. This applies to all commercial and residential uses. Written verification must include the following:

5.3.42.1.1 If connected to a central water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

5.3.42.1.2 If connected to a private well, proof of access to potable water, including the standards outlined in 01-672 CMR. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must include that the water supply is potable and acceptable for domestic use.

5.3.43 Accessory Dwelling Units (ADU)

5.3.43.1 Only one (1) Accessory Dwelling Unit shall be exempt from any density requirements or calculations related to the area in which the Accessory Dwelling Unit is constructed.

5.3.43.2 Accessory Dwelling Units located within a designated Shoreland Zone, as determined by the Town of Hope or State of Maine Department of Environmental Protection, are not exempt from the density requirements outlined under Section 5.2 of this Ordinance. Accessory Dwelling Units located in the Shoreland Zone shall also meet the standards set forth in the Town of Hope Shoreland Zone Ordinance.

5.3.43.3 An Accessory Dwelling Unit may be constructed only:

5.3.43.3.1 Within an existing dwelling unit on the lot;

5.3.43.3.2 Attached to a single-family dwelling unit; or

5.3.43.3.3 As a new structure on a lot for the primary purpose of creating an Accessory Dwelling Unit.

5.3.43.4 Any structure containing an Accessory Dwelling Unit must adhere to all setback and dimensional requirements outlined in this Ordinance.

5.3.43.5 An Accessory Dwelling Unit must be at least 190 square feet and no more than 1,000 square feet. Anything larger than 1,000 square feet shall not be considered an Accessory Dwelling Unit.

5.3.43.6 Only one (1) Accessory Dwelling Unit may be exempt from parking requirements.

5.3.43.7 An Accessory Dwelling Unit shall be given access to an off-street parking area provided by the owner of the parcel.

5.3.44 Affordable Housing Development

5.3.44.1 Location

5.3.44.1.1 The proposed must be in a Designated Growth Area that is cited in the most recent Comprehensive Plan that has been approved by the Town of Hope.

5.3.44.1.2 The proposal must be in an area in which Multi-Family Dwellings are permitted use under 4.6.4 of this Ordinance. This shall not apply to the Shoreland Zone.

5.3.44.1.3 The applicant must execute a restrictive covenant, recorded in the Knox County Registry of Deeds, for the benefit of and enforceable by a party acceptable to the Planning Board, to ensure that for at least thirty (30) years after completion of construction:

a. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

b. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

5.3.44.2 Density

5.3.44.2.1 The proposal must comply with the minimum lot size requirements in accordance with Title 12 Chapter 423-A.

5.3.44.2.2 The dwelling unit density shall be 2 ½ times the base density that is otherwise allowed in that location. If fractional results occur when calculating the density bonus, the number of units is rounded down to the nearest whole number.

By way of illustration, in the Hope Corner Village or South Hope Village Districts, a five-unit structure would require 100,000 square feet (20,000 square feet per unit); whereas an Affordable Housing Development of five units would require 40,000 square feet (20,000 square feet for every 2.5 units).

5.3.44.3 An Affordable Housing Development shall provide at least two off-street parking spaces for every three units that are affordable, as determined under the definition of Affordable Housing Development.

By way of illustration, an Affordable Housing Development with six affordable housing units shall provide at least four parking spaces in total.

Reserved

6. Reserved

This Section 6 was formerly *Shoreland Zoning.* Starting in June of 2019, shoreland zoning was moved to the Town of Hope Shoreland Zone Ordinance, a separate document.

ADMINISTRATION AND ENFORCEMENT

8.1. CREATION OF ADMINISTERING BODIES

8.1.1. Code Enforcement Officer: The Code Enforcement Officer shall approve or deny those applications on which he/she is authorized to act as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

8.1.2. Planning Board: The Planning Board is established in accordance with Article VIII, Pt. 2, §1, of the Maine Constitution, 30-A M.R.S.A. § 3001, and the Planning Board Ordinance. The Planning Board shall be appointed by the Board of Selectmen. The Planning Board shall approve, approve with conditions, or deny those applications on which it is empowered to act as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of both this Ordinance (Section 9) and the Hope Shoreland Zoning Ordinance.

8.1.3. Board of Appeals: The Board of Appeals is established in accordance with Article VIII, Pt 2, Section 1 of the Maine Constitution, 30-A M.R.S.A. § 2691, and the Board of Appeals Ordinance. The Board of Appeals shall be appointed by the Board of Selectmen. The Board of Appeals shall approve, approve with conditions, or deny applications and appeals on which it is empowered to act as provided in this Ordinance. (Section 10)

8.2. APPROVAL REQUIRED

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit or approval under this Ordinance without first obtaining the approval of the Code Enforcement Officer, Planning Board or Board of Appeals as provided herein.

8.3. APPLICATION REQUIRED

Applications for approval shall be submitted in writing, on forms provided, to the Code Enforcement Officer who shall oversee the permitting process and record keeping. The Code Enforcement Officer may require the submission of additional information deemed necessary to determine conformance with the provisions of this Ordinance.

8.4. CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall review all applicable applications pursuant to this Ordinance. A permit issued by the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

8.4.1. Activities Requiring Permit

8.4.1.1. Flood Hazard Areas. All construction or earth moving activities or other improvements within the 100-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

8.4.1.2. New Construction. New construction of buildings or structures pursuant to Section 4, Schedule of Uses, if such construction adds a footprint of more than 100 square feet.

8.4.1.3. Alteration. Alteration of a building, structure, or land, or parts thereof, pursuant to Section 4, Schedule of Uses, if such alteration adds a footprint of more than 100 square, including, but not limited to:

a. Interior renovations for change in use;

b. Enclosing open frame porch, for the creation of additional sleeping space or any activity which increases the existing amount of water used daily;

c. Erection of fences as specified under State Statute

8.4.1.4. Erecting of Signs. Placement of signs except temporary signs pursuant to Section 4, Schedule of Uses.

8.4.1.5. Moving or Demolition. All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished pursuant to Section 4, Schedule of Uses.

8.4.1.6. Change of Use. The change of any premises from one category of land use to any other land use pursuant to Section 4, Schedule of Uses.

8.4.2. Procedure

8.4.2.1. Application. All applications for a Land Use Permit shall be submitted, with appropriate fee, in writing to the Code Enforcement Officer on forms provided. Applications shall be dated, and the Code Enforcement Officer shall note upon each application the date and time of its receipt.

8.4.2.2. Submissions: All applications for a Land Use Permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:

a. The actual shape and dimensions of the lot for which a permit is sought;

b. The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all waterbodies and wetlands within two hundred fifty (250) feet of the property lines;

c. The location of new buildings, structures or portions thereof to be constructed. Building plans shall be submitted if deemed

necessary by the Code Enforcement Officer;

d. The existing and intended use of each building or structure;

e. Where applicable, the location of soil test pits, subsurface wastewater disposal system, parking lots and driveways, signs, buffers, private wells; and

f. Such other information as may be reasonably required by the Code Enforcement Officer to provide for the administration and enforcement of this Ordinance.

8.4.2.3. To Whom Issued: Permits shall be issued only to an owner or individual who can show evidence of right, title or interest in the property or to an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

8.4.2.4. Compliance with Land Use Ordinance: All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in this Ordinance.

8.4.2.5. Deadline for Decision: The Code Enforcement Officer shall, within thirty-five (35) days of receipt of an application: issue the permit, if all proposed construction and uses meet the provisions of the Ordinance; refer the application to the Planning Board or the Board of Appeals for its review; or deny the application. All decisions of the Code Enforcement Officer shall be in writing.

8.4.2.6. Copies: One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer, shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.

8.4.2.7. Sewage Disposal: If the property is not served by a public sewer, a valid Subsurface Wastewater Disposal Application shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface wastewater disposal system.

8.4.2.8. Posting: The applicant shall cause any permit issued to be conspicuously posted on the lot on which the activity will occur at a location clearly visible from the street.

8.4.2.9. Appeals: Appeals from decisions of the Code Enforcement Officer may be taken pursuant to the provisions of this Ordinance.

8.5. OTHER PERMITS REQUIRED BEFORE APPROVAL

Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits have been secured and evidence that they have been secured has been provided unless state or federal regulations require local approval first.

8.6. POSITIVE FINDINGS REQUIRED

Approval shall be granted by the Code Enforcement Officer after receipt of a complete application, only upon a positive finding by the Code Enforcement Officer that the proposed use:

8.6.1. Is a permitted use in the district in which it is proposed to be located;

8.6.2. Is in conformance with the applicable performance standards of this Ordinance;

8.6.3. Will not result in unsafe or unhealthful conditions;

8.6.4. Will not result in undue land, water or air pollution;

8.6.5. Will not result in undue erosion or sedimentation;

8.6.6. Will avoid problems associated with development in flood hazard areas;

8.6.7. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

8.6.8. Will conserve shore cover and visual, as well as actual, points of access to inland waters;

8.6.9. Will protect archaeological and historic resources as designated in the comprehensive plan;

8.6.10. Will avoid problems associated with floodplain development and use; and

8.6.11. Will not adversely impact public infrastructure.

8.7. VIOLATIONS

Violations of the terms and conditions of this Ordinance shall be corrected within thirty (30) days of receipt of Notice of Violation, or such shorter time frame as the CEO requires, or unless an extension of time is granted by the Code Enforcement Officer. Said violation may void all permits.

8.8. COMMENCEMENT AND COMPLETION OF WORK

Projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be completed within twenty-four (24) months of that date. Activities which are not commenced or completed within the time limits provided above shall be subject to a new application and the permit issued under this Section shall be considered void. Activities may be extended for up to twenty-four (24) months by the Code Enforcement Officer, for good cause, if an application for

an extension is submitted not later than thirty (30) days prior to the expiration of the prior permit.

8.9. CERTIFICATE OF OCCUPANCY REQUIRED

After a building, structure, or part thereof has been erected, altered, enlarged, or moved, or a use has been changed, pursuant to approval under this Ordinance, a Certificate of Occupancy shall be obtained from the Code Enforcement Officer for the proposed use before the same may be occupied or used.

8.10. Reserved

8.11. ENFORCEMENT

8.11.1. Nuisances: Any violation of this Ordinance shall be deemed to be a nuisance.

8.11.2. Code Enforcement Officer: It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.

8.11.3. Legal Actions: When the above does not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that are determined to be appropriate or necessary to enforce the provisions of the Ordinance in the name of the Town. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

8.11.4. Fines: Any person, firm, or corporation being the owner of or having control or use of any building or premises who violates any of the provisions hereof, shall be subject to enforcement action and upon being found to be in violation shall be subject to the penalties, attorney fees, costs, and injunction relief in accordance with 30-A M.R.S.A. § 4452, as may be amended from time to time. Each day such a violation is permitted to exist after notification thereof shall constitute a separate offense. All fines collected hereunder shall inure to the Town.

8.11.5. Contractor Liability: Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or if work performed by the contractor does not conform to all conditions of approval of the permit or the terms of this Ordinance.

8.12. FEE SCHEDULE

All application fees for permits shall be paid to the Town in accordance with the fee schedule as established by the Board of Selectmen. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit. Advertising costs, technical or legal assistance and associated costs deemed necessary by the Town for the review of applications shall be the responsibility of the applicant.

8.12.1. Application Fee: An application for a land use permit review must be accompanied by an application fee. This fee is intended to cover the cost of the Town's administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee must be paid to the Town.

8.12.2. Technical Review Fee: In addition to the application fee, the applicant may be required to pay a technical review fee to defray the Town's legal and technical costs of the application review. If required by the Code Enforcement Office and/or Planning Board, this fee must be paid to the Town and shall be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until evidence of payment of this fee is submitted to the Planning Board. The technical review fee may be used by the Planning Board to pay reasonable costs incurred by the Planning Board, at its discretion, which relate directly to the review of the application pursuant to the requirements of this Ordinance. Such services may include, but need not be limited to, consulting, engineering or other professional fees, and attorney fees. The Town shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies in the account after the payment by the Town of all costs and services related to the review. Such refund shall be accompanied by a final accounting of expenditures from the fund.

8.12.3. Impact Fees: In accordance with 30-A M.R.S.A. § 4354, as amended from time to time, the Town may require through the adoption of an Impact Fee Ordinance that the applicant provide for the construction of off-site capital improvements including the expansion or replacement of existing infrastructure facilities and the construction of new infrastructure facilities. Infrastructure facilities include but are not limited to: (1) wastewater collection and treatment facilities; (2) municipal water facilities; (3) solid waste facilities; (4) public safety equipment and facilities; (5) roads and traffic control devices; (6) parks and other open space or recreational areas; and (7) school facilities.

SITE PLAN REVIEW

9.1. PURPOSE

Substantial development or major changes in the uses of land may cause a material impact on the cost and efficiency of municipal services, public utilities, road systems and traffic congestion, and may affect the visual characteristics of neighborhoods and the Town, and the general health, safety and welfare of the community. The purpose of this Section is to minimize the potential negative impacts of development, while maximizing development's positive effects by assessing the impact of new development on surrounding properties, municipal facilities and services, and the natural environment.

Only uses that have been recognized as being permitted uses in their zoning districts, or as the result of successful review as a special exception, are permitted to proceed to site plan review. Therefore, the purpose of site plan review is not to establish the right of a use to be located in the proposed area, but rather to ensure that the way the use is designed and placed on a lot is appropriate to its surroundings.

The Planning Board may consider the historic importance, scenic beauty or irreplaceability of natural areas during the site plan review. This may require a proposed development or structure to relate harmoniously to the terrain and surrounding environment, including existing buildings in the vicinity that have a visual relationship, with the proposal being considered.

9.2. ADMINISTRATION

9.2.1. **Determination of Need for Site Plan Review.** If site plan review is determined to be required, then no building permit, plumbing permit or certificate of occupancy shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Section until a site plan application for the proposed development has been approved by the Planning Board.

9.2.2. **Pre-Application Meeting.** An applicant shall request a pre-application meeting with the Planning Board prior to formal submission of a site plan. The materials submitted must include, but are not limited to, a written statement defining the proposed project and a Sketch Plan. The Sketch Plan may be a freehand drawing and shall show:

9.2.2.1. The outline of the tract or parcel with estimated dimensions, road rights-of-way and existing easements;

9.2.2.2. The layout of existing and proposed building(s), driveways and parking areas;

9.2.2.3. Identification of general areas of steep slopes, wetlands, streams and floodplains; and

9.2.2.4. Estimated calculation of the percent of lot coverage (see definition in Section 11.2).

9.2.3. **Application**

9.2.3.1. Number of Copies. Every applicant applying for site plan review should submit ten copies (10) of the application and supporting documentation to the Code Enforcement Officer All copies shall be prepared in accordance with Section 9.4, and accompanied by a fee as determined by the Board of Selectmen.

9.2.3.2. Submission Deadline. An application for site plan review shall be submitted at least fifteen (15) calendar days prior to the Planning Board meeting at which the applicant wishes to be heard. Recommendations from the Fire Chief and Road Commissioner shall be solicited prior to the site plan review meeting.

9.2.3.3. Application Completeness Review. Within thirty-five (35) days of receiving an application, the Planning Board shall hold a completeness review. The purpose of an application completeness review is to determine if all information required to be submitted is sufficiently complete to proceed to a public hearing on the application. If the application is determined to be incomplete by the Planning Board, the applicant shall be notified of the items that must be submitted in order to make the application complete.

9.2.3.4 Site Plan Review Meeting. The Planning Board shall hold a public hearing to review the site plan application. A notice of the public hearing shall be circulated via first class mail to owners of abutting properties of the property under review, and notice of the public hearing shall be published in a newspaper of community-wide circulation no less than five (5) days prior to the date of the public hearing. The applicant shall be responsible for the costs of all public hearing notices.

9.2.3.5. On-Site Inspection. The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant or his or her duly authorized representative and at least four Planning Board members.

9.2.3.6. Approval Deadline. Within sixty (60) days after the date on which the site plan application is determined to be complete by the Planning Board, the Board shall act to approve, approve with conditions, continue, or disapprove the site plan application submitted or amended. The time limit

for review may be extended by mutual agreement between the Planning Board and the applicant.

9.2.3.7. <u>Special Exceptions.</u> An applicant for site plan review shall obtain any special exception and/or variances that may be required from the Board of Appeals prior to review by the Planning Board. An applicant may request a pre-application meeting prior to receiving special exception approval.

9.2.4. An application for site plan review shall be submitted at least fifteen (15) calendar days prior to the Planning Board meeting at which the applicant wishes to be heard. Recommendations from the Fire Chief and Road Commissioner shall be solicited prior to the site plan review meeting.

9.2.5. The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant or his or her duly authorized representative and at least two Planning Board members

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9.2.6. Within sixty (60) days after the date on which the site plan application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, continue, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

9.2.7. An applicant for site plan review shall obtain any special exception and/or variances that may be required from the Board of Appeals prior to review by the Planning Board. An applicant may request a pre-application meeting prior to receiving special exception approval.

9.3. APPLICABILITY

The following shall require site plan review and approval:

9.3.1. The construction or expansion of buildings, including accessory buildings and structures, for commercial use by a total floor area of 1,000 sq. ft. or more, or a lot's alteration of more than ten thousand (10,000) square feet at multi-family residential properties.

9.3.2. Reuse of a commercial building that has been vacant for more than two (2) years;

9.3.3. The conversion of a residential building to a commercial use.

9.3.4. Minor revisions to an existing site plan seeking an amendment to that previously approved site plan.

9.3.5. Any change of use in which the intensity of use – as reflected in traffic generated,

impacts on municipal services, the environment and surrounding neighborhood – will differ in a substantial way from that of the preceding use.

9.4. SITE PLAN CONTENT

The site plan application shall include as a minimum:

9.4.1. Site Plan

A site plan or plans prepared at a scale of not less than 1 inch equals 50 feet, containing the following information:

9.4.1.1. Name and address of the applicant or his/her authorized agent and name of proposed development and any land within five hundred (500) feet of the proposed development in which the applicant has title or interest

9.4.1.2. Existing soil conditions as described by a soil scientist, geologist, engineer or Soil Conservation Service medium intensity soil survey

9.4.1.3. Town tax map and lot numbers and names of abutting land owners

9.4.1.4. Scale, true north arrow, legend and a space for dates of any revisions that may be required

9.4.1.5. Exact dimensions and acreage of parcel to be built upon. The corners of the parcel shall be located and marked on the ground and shall be referenced on the plan. For any site for which construction or grading is proposed, other than an enlargement of an existing building or construction of an accessory building, the Planning Board may require that the site plan include an actual field survey of the boundary lines of the lot, giving complete descriptive data by bearings and distances made and certified by a registered land surveyor.

9.4.1.6. Existing and proposed locations and dimensions of any utility lines, sewer lines, waterlines, easements, drainage ways and public or private rights-of-way

9.4.1.7. The size, shape and location of existing and proposed buildings on the parcel

9.4.1.8. If the site is to be served by a subsurface wastewater disposal system, a report by a licensed site evaluator shall be provided

9.4.1.9. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site onto public streets and curb and

sidewalk lines.

9.4.1.10. Landscaping plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening. Maintenance and replanting provisions shall be noted.

9.4.1.11. Natural contours at intervals of two (2) feet and final contours at intervals of two (2) feet, the natural contours to be shown by dashed lines and the final contours to be shown by solid lines. Where sufficient detail cannot be shown with two (2) foot contours, spot evaluations shall be required, with existing spot evaluations shown in parentheses to be distinguishable from final spot elevations. Where construction will not disturb the entire lot proposed for development, the requirement to map contours or spot elevations shall apply only to those portions of the lot that will be altered in any way and portions of the lot downslope from the proposed alterations to an extent sufficient to clearly delineate the existing and proposed course of drainage and the point or points of discharge from the lot.

9.4.1.12. Specification of quantities and grades of materials to be used if land-filling is proposed

9.4.1.13. Photos of the project area prior to any site preparation shall be submitted with the map

9.4.1.14. A digital copy of lot lines and buildings shall be submitted, if available.

9.4.2. Written Statement

A written statement by the applicant shall consist of:

9.4.2.1. Evidence by the applicant of his/her title and interest in the land that the application covers

9.4.2.2. A description of the proposed uses to be located on the site

9.4.2.3. Total floor area and footprint of each proposed building and structure and the lot coverage as defined in Section 11.2

9.4.2.4. Summary of existing and proposed easements, restrictions, and covenants on the property

9.4.2.5. Method of solid, liquid, chemical, or other waste disposal

9.4.2.6. Erosion and sedimentation control plan, stormwater drainage control plan, and soils information

9.4.2.7. Approximate volume of soil to be added or removed, the amount of blasting required, and a disposition plan for removed materials

9.4.2.8. If public water and sewer are to be used, written statements from the water utility and sewer district shall be provided commenting on the capacity of the system and the availability of the utility to provide service to the new development

9.4.2.9. An estimate of the date when construction will start and be completed

9.4.2.10. List of approvals and permits required by the Office of the State Fire Marshal and other State and Federal Agencies

9.4.3. Minor Revisions to Approved Site Plans

9.4.3.1. Applicants proposing minor revisions to an existing site plan shall submit ten copies (10) of the revision application to the Town Office fifteen (15) calendar days prior to the Planning Board meeting at which the applicant wishes to be heard.

9.4.3.2. Application materials shall consist of the amended site plan as proposed and supporting documentation for all written statement requirements and standards applicable to the revision.

9.4.3.3. The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant, or his or her duly-authorized representative, and at least two (2) Planning Board members.

9.4.3.4. Within sixty (60) days after the date on which the site plan revision application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, continue, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

9.4.3.5. Minor revision applications are exempt from the pre-application process.

9.5. PERFORMANCE STANDARDS

The following standards are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved unless, in the judgment of the Planning Board, the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant.

9.5.1. Preservation and Enhancement of the Landscape

At completion, as defined during site plan review, landscaping should be designed and planted to define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and structures.

9.5.2. Soils and Erosion Control

The soils on the site shall have adequate capacity and stability to support all proposed development. Filling, excavation and earth moving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum. The design shall include best management practices that;

9.5.2.1. Preserve and protect the natural vegetation

9.5.2.2. Keep the duration of exposure of disturbed soils to as short a period as possible and stabilize the disturbed soils as quickly as practicable

9.5.2.3. Use temporary vegetation or mulching to protect exposed critical areas during development

9.5.3. Vehicular Access

Vehicular access shall comply with the access management standards of Section 5.3.1.

9.5.4. Parking and Circulation

The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas, shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas and arrangement of parking areas.

9.5.5. Surface Water Drainage

Adequate provision shall be made for surface drainage so that removal of storm waters will not adversely affect neighborhood properties, downstream water quality, or the public storm drain system or cause soil erosion. Whenever possible, on-site absorption of run-off waters shall be used to minimize discharges from the site.

9.5.6. Existing Utilities

The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities.

9.5.7. Special Features of Development

Exposed storage areas, exposed machinery, installations, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide a sound and visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding

properties.

9.5.8. Exterior Lighting

All exterior lighting shall be designed to minimize adverse impact on adjacent properties. Factors to be considered by the Planning Board in determining whether exterior lighting has been designed to minimize impact on neighboring properties shall include the location, height, shading and intensity/wattage of the proposed exterior lighting. Where practical, the Planning Board shall require exterior lighting fixtures to have motion detectors or other security options so that illumination occurs only when necessary and is otherwise dimmed or turned off.

9.5.9. Emergency Vehicle Access

Provisions shall be made for practical and safe emergency vehicle access to all buildings and structures at all times of the year.

9.5.10. Municipal Services

The development will not have an unreasonable adverse impact on municipal services.

9.5.11. Water Quality

Must comply with Federal and State regulations.

9.5.12. Air Quality

Must comply with Federal and State regulations.

9.5.13. Water Supply

The development has sufficient water available for the reasonably foreseeable needs of the development and will not cause an unreasonable burden on an existing water supply, if one is to be used.

9.6. GENERAL PROVISIONS

9.6.1. The Planning Board will find one, or more, of the performance standards above are not applicable to an application.

9.6.2. All construction performed under the authorization of a building permit issued for development within the scope of this Ordinance shall be in conformance with the approved site plan.

9.6.3. Site plan approval shall expire two (2) years after Planning Board approval if a building permit has not been issued. Applicants may seek a two-(2) year extension prior to an approved site plan's expiration, unless the Ordinance, at the time of renewal, has changed to such an extent that the previously-approved use would no longer be permitted.

9.6.4. The Planning Board, after reviewing and finding specific technical deficiencies, may hire its own civil engineer, soil scientist, geologist or other expert to review the plan submitted by the applicant. The applicant shall pay for this expense.

9.6.5. The Planning Board may, in order to carry out the purposes of this Section, require reasonable conditions necessary to protect the public interest and to fit such uses harmoniously into their neighborhoods. Such conditions imposed shall be included in the building permits issued by the Code Enforcement Officer.

9.6.6. The Planning Board's decisions shall be made independently of and concurrently with State and Federal agencies' reviews but may be subject to their stricter requirements.

9.7. APPEALS

An appeal of the Planning Board's final decision may be filed by any person aggrieved by that decision. An appeal from a final decision of the Planning Board shall be to the Board of Appeals, which shall conduct its review on an appellate basis limited to the Planning Board record, to determine whether the Planning Board's decision was within the scope of its authority and supported by substantial evidence in the record.

BOARD OF APPEALS

10.1. ADMINISTRATIVE APPEALS

The Board of Appeals shall hear and decide appeals, on a de novo basis, where it is alleged that there is any error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer in the administration of this Ordinance. The Board of Appeals shall hear and decide appeals, on an appellate basis, where it is alleged that there is clear error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance. When errors of administrative procedures or interpretation are found, the case may be remanded to the Code Enforcement Officer or Planning Board for their consideration.

10.2. VARIANCES

The Board of Appeals shall authorize variances upon request, on a de novo basis, within the limitations set forth in this Ordinance.

10.2.1. Dimensional variances for single family dwellings may be granted only from dimensional requirements including frontage, lot area, lot width, height, and setback requirements as set forth below.

10.2.2. Variances shall not be granted for establishment of any use otherwise prohibited by this Ordinance.

10.2.3. Except for section 10.2.4 and disability variance requests, pursuant to 30-A §4353-A, the Board of Appeals shall not grant a variance unless it finds that:

10.2.3.1. The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought;

10.2.3.2. The proposed structure or use will not interfere with access of firefighting apparatus to a structure on the land in question or adjacent property; and

10.2.3.2. The strict application of the terms of this Ordinance would result in an undue hardship.

10.2.3.4. The term "undue hardship" shall mean all of the following:

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 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 a prior owner.

The Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living or regularly visits the property. The Board of Appeals shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability.

10.2.4. The Board of Appeals may grant a variance to a property owner of a single-family dwelling that is the primary year-round residence of the petitioner from a setback requirement only when strict application of this Ordinance to the petitioner and the petitioner's property would cause undue hardship. A variance under this section may not exceed twenty (20) percent of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage (if applicable). If the petitioner has obtained the written consent of an affected abutting landowner, the twenty (20) percent limitation may be exceeded, except for minimum setbacks from a wetland or waterbody required by the Hope Shoreland Zoning Ordinance. The term "undue hardship" for this section means:

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

10.2.4.2. That the granting of a variance will not alter the essential character of the locality;

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

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

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

10.3. SPECIAL EXCEPTIONS

The Board of Appeals shall hear and decide only those requests for special exceptions that are authorized by this Ordinance and which are specifically listed as special exceptions. The Board of Appeals shall decide such questions as are involved in determining whether such special exceptions should be granted; and by majority vote to grant such special

exceptions with such conditions and safeguards as are appropriate under this Ordinance. An exception may be granted only if the petitioner has established to the satisfaction of the Board of Appeals that the following criteria are met:

10.3.1. That the proposed use will not have an adverse effect on the natural environment and/or that the site for that use does not have unusual physical characteristics such as topography, soils, lot size or shape which would have an adverse effect on surrounding properties.

10.3.2. That the proposed use would not significantly depreciate the value of surrounding property.

10.3.3. That the proposed use will not create an unreasonable demand for public services, including, but not limited to, public roads, fire protection, police protection, solid waste disposal, sewage treatment, public water supplies, schools, public open spaces and recreational programs and facilities.

10.3.4. That the proposed use would not result in an inordinate amount of pedestrian and/or vehicular traffic at or surrounding the site and/or cause any problems regarding emergency vehicle access.

10.3.5. When put to any other use, a structure originally designed as a dwelling shall not be put to a use that would cause rapid deterioration of the structure.

10.3.6. That the proposed use will not have an adverse effect on surrounding property in consideration of the expanse of pavement, intensity of use and the structure's bulk and material.

10.3.7. That the proposed use will not have an adverse effect on the use and quiet possession of surrounding property owners, including, but not limited to, hours of operation, type of traffic and noise levels at property lines.

10.3.8. The applicant shall provide sufficient information and documentation to assure that the use will meet all applicable performance standards of this Ordinance.

10.3.9. The following Special Exception performance criteria shall be established where applicable:

10.3.9.1. The use of heavy equipment on a regular basis in a residential neighborhood shall not be allowed before 6:00 a.m. and after 6:00 p.m.

10.3.9.2. Landscaping is to be preserved in its natural state insofar as practicable and shall be designed to stabilize slopes and buffer the site where necessary. The Board shall also consider the degree to which landscaping, fencing and other design elements have been incorporated to mitigate adverse effects on

surrounding properties.

10.3.9.3. Review by the State Fire Marshall's Office is required for industrial and light industrial uses.

10.4. HEARING PROCEDURES OF THE BOARD OF APPEALS

10.4.1. The Board of Appeals may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross examination as may be required for a full and true disclosure of the facts. Deadline for filing an application for an appeal shall not exceed 30 days from the date the action or decision was made by the Code Enforcement Officer or Planning Board from which the appeals hearing is being requested.

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

10.4.3. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.

10.4.4. The Code Enforcement Officer or representative of the Planning Board shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he/she deems appropriate for an understanding of the appeal.

10.4.5. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.

10.4.6. On-Site Inspection Option: The Board of Appeals may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted. The Board of Appeals may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Board of Appeals shall take final action on the application may be extended, which extension shall not exceed thirty (30) days after the Board of Appeals is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice.

10.4.7. Decision Procedures of the Board of Appeals

10.4.7.1. A majority of the members of the Board of Appeals shall constitute a quorum for the purpose of deciding an appeal. At least three affirmative votes shall be required to grant an appeal or issue a variance.

10.4.7.2. The concurring vote of a majority of the members of the Board of Appeals in accordance with section 10.4.7.1, shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to pass under this Ordinance, or to or to grant any variance authorized by this Ordinance.

10.4.7.3. Appeal Standard of Review/Burden of Proof. When hearing an appeal from and act or decision of the CEO, the Board of Appeals shall act in a de novo capacity, and the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of the evidence and the law, and reaching its own decision. When hearing an appeal from a decision the Planning Board, the Appeals Board shall act in an appellate capacity by review of the Planning Board record; the Board of Appeals may reverse the decision of the Planning Board only upon a finding of clear error that the decision was arbitrary or capricious with regard to the law or specific provisions of the Ordinance or arbitrary or capricious with regard to the facts presented to the Planning Board. The person filing the appeal shall have the burden of proof.

10.4.7.4. The Board of Appeals shall decide all appeals within thirty-five (35) days after hearing and shall issue a written decision on all appeals.

10.4.7.5. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Code Enforcement Officer, Planning Board, and Board of Selectmen within seven (7) days of the decision date.

10.4.7.6. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer or the Planning Board shall promptly issue a permit in accordance with the conditions of approval, provided that all required approvals have been received.

10.4.8. Reconsideration of Decision of the Board of Appeals

10.4.8.1. The Board of Appeals may reconsider any of its decisions within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is to be reconsidered. A vote to reconsider and any action taken on that reconsideration must occur and be completed within forty-five (45) days of the vote on the original decision. The Board of Appeals may conduct additional hearings and receive additional testimony.

10.4.8.2. Reconsideration may include, but not be limited to, one of the following reasons: (1) The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or (2) The Board misinterpreted the applicable ordinance, followed improper procedures, or acted beyond its jurisdiction

10.4.9. Appeal to Superior Court

An appeal may be taken within forty-five (45) days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State Law, except that any appeal of a reconsidered decision under Section 10.4.8 must be made within 15 days after the decision on reconsideration.

10.5. VARIANCES RECORDED

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

DEFINITIONS

11.1. CONSTRUCTION OF LANGUAGE

In this Ordinance, certain terms or words should be interpreted as follows:

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

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

11.1.3. The word "shall" means the action is mandatory.

11.1.4. The word “may" means the action is permitted.

11.1.5. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied".

11.1.6. The word "dwelling" includes the word "residence".

11.1.7. In the case of any difference or meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

11.1.8. Terms not defined shall have the customary dictionary meaning.

11.2. DEFINITIONS

For the purposes of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

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

ACCESS, VEHICULAR: A public or private roadway used to enter or leave a public highway from adjacent land using an on-road motor vehicle. An access may be a driveway or an entrance depending upon the type of land use and volume of traffic generated by that use.

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

ACCESSORY DWELLING UNIT: A self-contained dwelling unit located within, attached or

detached from a single-family dwelling unit located on the same parcel. An accessory dwelling unit must be a minimum of 190 square feet and shall not exceed 1,000 square feet.

AFFORDABLE HOUSING DEVELOPMENT:

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat 888, Section 8, as amended can afford a majority of the units that the development designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

3. For purposes of this definition, "majority" means more than half of proposed and existing units of the same lot.

4. For purposes of this definition, "housing costs" include, but are not limited to:

    a. For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

    b. For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

AGGRIEVED PARTY: An owner of land whose property is directly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

AGRICULTURE / AGRICULTURAL ACTIVITY: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities and does not include the construction, creation or maintenance of land management roads.

ALTERATION: As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing height; or in moving from one location or position to another.

APPEAL: A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by this Ordinance.

AQUACULTURE: The growing or propagation of harvestable freshwater plant or animal species.

ARCHAEOLOGICAL HISTORIC SITE OR STRUCTURE: Any site or structure that is listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or Individually listed on a inventory or historic places in communities which historic preservation programs that have been certified either: by an approved State program as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in States without approved programs.

AREA MEDIAN INCOME: The midpoint of Knox County's income distribution calculated on an annual basis by the US Department of Housing & Urban Development

ASSISTED LIVING FACILITY: A type of multi-family dwelling, including multiple individual rooms or dwelling units to be occupied as a residential shared living environment. Such construction will normally include individual apartments or rooms, combined with shared community space, shared dining facilities, housekeeping services, personal care and assistance, transportation assistance, and specialized shared services such as medical support services and physical therapy. This definition includes boarding care, convalescent homes, elderly congregate housing, group homes, and nursing homes.

ATTACHED: Connected by a shared wall to the principal structure or having physically connected finished spaces.

AUTOMOBILE RECYCLING FACILITY: An automobile recycling business is a business that purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts, rebuilding or repairing salvage vehicles for resale (See 30-A M.R.S.A. § 3752, as may be amended).

AUTOMOBILE REPAIR SERVICE: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; painting and undercoating of automobiles, ground transport, towing services, and vehicle rentals.

AUTOMOBILE SALES: A lot arranged, designed, or used for the storage and display for sale of any motor vehicle and where no repair work is done except minor incidental repair of automobiles displayed and sold on the premises.

BASE DENSITY: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

BASAL AREA: The area of cross-section of a tree trunk at four and one-half (4½) feet above ground level and inclusive of bark.

BASAL AREA, RESIDUAL: The sum of the basal area of trees remaining on a harvested site.

BASEMENT: Any portion of a structure with a floor-to-ceiling height of six (6) feet or more and having more than fifty (50) percent of its volume below the existing ground level.

BED-AND-BREAKFAST: An owner-occupied residential structure in which no more than three sleeping rooms are made available for a fee to overnight travelers and which may provide guests with a morning meal. Such establishments do not provide guests with the independent living quarters and eating facilities normally associated with a hotel or motel.

BOARDING HOUSE: A house in which boarders are provided, under contract, rooms and meals for a certain period of time, usually by the week or month.

BOAT LAUNCHING FACILITY: A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

BUFFERS: Areas of land, together with specified types and amounts of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattel. Each portion of a building, separated from other portions by a fire wall, shall be considered as a separate building.

BUILDING FOOTPRINT: The area covered by a building measured from the exterior surface of the exterior walls at grade level. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level.

BUSINESS SERVICE: A service listed under U.S. Standard Industrial Classification Code 73, including by way of example: advertising, credit reporting and collection, mailing and reproduction services, services to buildings, personnel supply services, computer and data processing services, management and public relations, similar services to businesses, and the business offices of corporations or firms.

CAMPGROUND, COMMERICAL: Any area or tract of land used to accommodate two (2) or more parties in temporary quarters, including, but not limited to tents, recreational vehicles, or

other shelters, for profit.

CAMPSITE: Any area or tract of land used to accommodate no more than two (2) parties in temporary quarters, including, but not limited to, tents, recreational vehicles, or other shelters, not for profit.

CANNABIS: "Cannabis" means the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a cannabis product.

CANNABIS FLOWER: "Cannabis flower" means the pistillate reproductive organs of a mature cannabis plant, whether processed or unprocessed, including the flowers and buds of the plant. "Cannabis flower" does not include cannabis trim or whole mature cannabis plants or the flower of hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D

CANNABIS PLANT: "Cannabis plant" means all species of the plant genus Cannabis, including, but not limited to, a mother plant, a mature cannabis plant, an immature cannabis plant or a seedling. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D

CANNABIS PRODUCT: "Cannabis product" means a product composed of cannabis or cannabis concentrate and other ingredients that is intended for use or consumption. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D

CANOPY: The more or less continuous cover formed by tree crowns in a wooded area.

CARDHOLDER (CANNABIS): "Cardholder" means a person who has been issued and possesses a valid registry identification card.

CAREGIVER (MEDICAL USE CANNABIS): Except as provided in 22 M.R.S. §2426, a caregiver, for the purpose of assisting a qualifying patient with the patient's medical use of cannabis, may engage in the following authorized conduct if the caregiver is a resident of the State, is 21 years of age or older and has not been convicted of a disqualifying drug offense or who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver to assist in performing the duties of the caregiver pursuant to 22 M.R.S. Chapter 558-C § 2423-A(I)(1).

CENTRALLY MANAGED WATER SYSTEM: A water system that provides water for human consumption through pipes or other constructed conveyances to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days a year as regulated by 10-144 C.M.R. Ch.231, *Rules Relating to Drinking Water*. This water system may be privately owned.

CERTIFICATE OF OCCUPANCY: Official certification granted by the Code Enforcement Officer or Fire Chief, that a premises conforms to provisions of the Land Use Ordinance,

plumbing code, American with Disabilities Act, Life Safety 101 and NFPA 31 and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

CHURCH: As used in this Ordinance, refers to a place of worship regardless of denomination.

CLEAR CUT: The harvesting of a stand of trees within a forested area of five (5) or more acres such that more than sixty (60) percent of the crown closure has been removed.

CODE ENFORCEMENT OFFICER: The official responsible for enforcement of this Ordinance and for other duties set forth by state statute and this Ordinance. The Code Enforcement Officer shall also have all the duties of a Building Inspector.

COMMERCIAL OUTDOOR RECREATION: Outdoor recreation activities that are operated by an entity other than a unit of government and which are available for use for a fee, including but not limited to standard golf courses, ice skating rinks, tennis courts, cross-country ski trails, and alpine ski trails, but excluding games and activities common to amusement parks. Private outdoor recreation facilities serving exclusively a residential use shall be considered accessory to the residential use.

COMMERCIAL STRUCTURE: A structure primarily used for the buying and selling of goods, natural or manufactured.

COMMERCIAL USE: The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

COMMUNITY LIVING USE: A state-approved, authorized, certified or licensed group home, or intermediate care facility for eight or fewer mentally handicapped or developmentally disabled persons.

COMPARABLE SEWER SYSTEM: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch.241, *Subsurface Wastewater Disposal Rules*.

COMPREHENSIVE PLAN: A document consistent with 30-A M.R.S §4326(1)-(4), including the strategies for an implementation program that are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

CORNER LOT: Lot located at the intersection of two streets. Corner lots shall conform with the front yard setback on the primary street and the side yard setback requirements on the secondary street.

CULTIVATION OR CULTIVATE (CANNABIS): "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of cannabis for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing

or cannabis extraction.

CULTIVATION AREA: "Cultivation area" means the indoor area used for cultivation of mature cannabis plants, immature cannabis plants or seedlings in accordance with 22 M.R.S. Part 5, Chapter 558-C of the Maine Medical Use Of Cannabis Act, that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under the cited statute. A cultivation area may include multiple indoor areas.

CULTIVATION FACILTY (Cannabis): "Cultivation facility" means a facility licensed under this chapter to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use cannabis; to sell adult use cannabis to products manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores.

CURB CUT: The opening along the street right-of-way line at which point vehicles may enter or leave the street.

DAY CARE FACILITY: A house or place in which a person or combination of persons maintains or otherwise carries out a regular program, for a fee, for any part of a day, providing care and protection for three or more children under the age of 16 unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Health & Human Services as follows: DAY CARE CENTER: A Day Care Facility as defined in State statutes for thirteen (13) or more children on a regular basis; and DAY CARE HOME: A Day Care Facility as defined in State statutes for three (3) to twelve (12) children on a regular basis.

DECK: An attached open platform to a building or structure without a roof.

DENSITY REQUIREMENTS: Maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

***DE NOVO* REVIEW:** A review that looks at the factual and legal issues afresh, undertakes its own credibility determinations, evaluates the evidence presented, and draws its own conclusions.

DESIGNATED GROWTH AREA: An area that is designated in Hope's Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated Growth Areas may also be referred to as priority development zones or other terms with a similar intent.

DEVELOPMENT: A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

DIMENSIONAL REQUIREMENTS: Requirements which govern the size and placement of structures including, but not limited to, the following requirements: structure height, setbacks, lot area, minimum frontage, and lot depth.

DRIVEWAY: A vehicular access-way serving no more than two (2) lots.

DWELLING: A building used as the living quarters for one or more families, containing a minimum of three hundred (300) square feet of floor area, exclusive of garages and similar unheated storage spaces, and equipped with a heating system and plumbing. The term includes manufactured housing as defined by 30-A M.R.S.A §4358, as may be amended.

DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family. The term shall include mobile homes, but not recreational vehicles.

DWELLING, MULTI-FAMILY: A building, or portion thereof, used for residential occupancy by three (3) or more families, each living independently of the other

DWELLING, SINGLE-FAMILY: A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.

DWELLING, TWO-FAMILY: A detached or semi-detached building or similar structure used for residential occupancy by two (2) families living independently of each other.

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

ENLARGEMENT OR EXPANSION OF USE: Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use, including but not limited to the addition of one or more months to a use's operating season; or the increased use of more floor area or ground area devoted to a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

ENTRANCE, VEHICULAR: A vehicular access serving one of the following land uses: residential use, developments serving three (3) or more dwelling units, retail, office, or service business uses including department stores, strip malls, convenience stores, gas stations, auto repair shops, restaurants, or similar uses.

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

EXISTING HOUSING UNIT: A residential unit legally in existence on a lot at the time of submission of a permit application to build additional units on that lot.

EXPANSION OF A STRUCTURE: An increase to a structure's footprint or volume, including all extensions such as, but not limited to, attached decks, garages, porches, and greenhouses.

FAMILY: One (1) or more persons occupying a premises and living as a single housekeeping unit.

FLEA MARKET: An outdoor market of rented space, selling antiques, used household goods, curios, and the like, at a frequency of no more than four days in any six month period.

FLOODWAY: The channel of a stream or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

FLOOR AREA: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

FOREST MANAGEMENT ACTIVITIES: Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the creation, construction and maintenance of roads.

FORESTED WETLAND: A freshwater wetland dominated by woody vegetation that is six (6) meters (approximately 20 feet) tall or taller.

FOUNDATION: The supporting substructures of a building or other structure including but not limited to basements, slabs, sills, posts or frost walls.

FRESHWATER WETLAND: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten (10) or more contiguous acre; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, combined surface area is in excess of ten (10) acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

FRONTAGE, ROAD: The linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of this Ordinance, the following ways shall constitute legal access to a lot along which frontage may be measured:

1. A way accepted by or established as belonging to the Town, Knox County, or the State of Maine, provided access is not specifically prohibited;
2. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;
3. A private way which has not been approved by a governmental subdivision but which has been established in a deed recorded in a Registry of Deeds or otherwise legally established by adverse possession or adverse use.

FRONTAGE, SHORE: SEE SHORE FRONTAGE.

FUNCTIONALLY WATER-DEPENDENT USES: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, and uses that primarily provide general public access to inland waters.

GARAGE: An accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence usually occupying the ground floor area of one-or-two family dwellings. Not more than one (1) space may regularly be used by the private passenger automobile of a person not resident on the premises.

GARAGE SALES: Garage sales shall mean and include all sales entitled “garage sale”, “yard sale”, “lawn sale”, “porch sale”, “attic sale”, “rummage sale”, or “flea market” sale or any similar casual sale of tangible personal property which is advertised by any means or is made evident by articles being set out in a yard, porch, or garaged whereby the public at large is/can be made aware of such sale.

GREAT POND: Pursuant to 38 M.R.S.A. §436-A, as may be amended, any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

GROUND COVER: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

GROUND MOUNTED: A Solar Energy Facility that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

GUEST ROOM: A room in a hotel, motel, tourist home or "bed and breakfast" residence offered to the public for compensation in which no provision is made for cooking.

HARVESTED CANNABIS: "Harvested cannabis" means the plant material harvested from a mature cannabis plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested cannabis" includes cannabis concentrate and cannabis products. "Harvested cannabis" does not include plant material harvested from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

HEIGHT OF A STRUCTURE OR BUILDING: The vertical distance between the mean original grade at the side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

HOME OCCUPATION: An occupation or profession which is customarily conducted on or in a residential structure or property and which is:

1. Clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
2. Which employs no more than two (2) persons other than family members residing in the home.

HOSPITAL: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOUSING: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boarding housing, or other similar types of housing units. This also does not include transient housing or short-term rentals.

IMMATURE CANNABIS PLANT: "Immature cannabis plant" means a cannabis plant that is not a mature cannabis plant or seedling. "Immature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D

IMPERVIOUS SURFACE: The area covered by buildings, structures and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

INCREASE IN NONCONFORMITY OF A STRUCTURE: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland

setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland and complies with the requirements of the Town of Hope Shoreland Zone Ordinance. Included in this allowance are expansions which in-fill irregularly shaped structures.

INDIVIDUAL PRIVATE CAMPSITE: An area of land not associated with a campground, but which is developed for repeated camping by only one group not to exceed 10 individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fir places, or tent platforms.

INDUSTRIAL METALLIC MINERAL MINING: The exploration for or extraction of metallic minerals, by a person or persons acting in concert, which occupies or disturbs an aggregate land area of one acre or more, regardless of the number of exploration or extraction sources or sites used. Industrial metallic mineral mining includes any structures, facilities, or processes associated with the exploration for or extraction of metallic minerals, including but not limited to: bulk sampling; preparation, washing, cleaning, processing, beneficiation, or other treatment of metallic minerals; the storage or stockpiling of bulk sampling materials or mine waste, whether or not the exploration or extraction occurs within the geographic boundaries of the Town; and reclamation activities. Industrial metallic mineral mining does not include (i) non-commercial mineral exploration by means of test boring, test drilling, hand sampling, or digging of test pits which disturbs a land area of less than one acre; or (ii) the excavation, processing, or quarrying of sand, fill, gravel, clay, topsoil, peat, silt, or rock not associated with metallic mineral mining. For purposes of this definition, "bulk sampling" means the removal of samples of earth materials to test the feasibility, method, or manner of extraction or processing of metallic minerals by drilling and boring, digging of shafts and tunnels, or digging of pits and trenches; and "mine waste" means all overburden, rock, ore, tailings, and other mining-related materials that are exposed or removed from the earth as part of any metallic mineral mining exploration or extraction operation.

INDUSTRIAL STRUCTURE: A structure primarily used for the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals and/or storage of goods.

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

INSTITUTIONAL: A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

ITINERANT PEDDLER: A person engaged in a temporary or transient business within the Town to sell goods and products within the public right of way or on private property.

JUNKYARD: A yard, field, or other area used as a place of storage for any of the following items, excluding items which are being stored out of doors for household use for a reasonable period of time:

1. Three (3) or more unserviceable, discarded, worn-out, or junked motor vehicles as defined by state law, not including temporary storage, as defined by state law, by an establishment or place of business engaged primarily in doing auto body repair work for the purpose of rendering a motor vehicle serviceable;
2. Discarded, worn-out, or junked plumbing, heating supplies, household appliances, and furniture;
3. Discarded, scrap, and junked lumber; or
4. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

KENNEL, COMMERCIAL: Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding, care, training or breeding, for which a fee is charged.

KENNEL, NON-COMMERCIAL: An accessory building to a residence designed or used for the accommodation of dogs or cats owned by the occupants of the residence.

LAND USE ORDINANCE: The local ordinance of general application adopted by the Hope legislative body which controls, directs, or delineates allowed uses of land and standards for those uses.

LAND USE PERMIT: A permit for proposed land use activity as defined in this Ordinance and issued by the Code Enforcement Officer in accordance with the provisions of this Ordinance.

LICENSED PREMISES (CANNABIS): "Licensed premises" means the premises specified in a license to operate a cannabis establishment within which the licensee is authorized under this chapter and the rules adopted pursuant to this chapter to cultivate, manufacture, distribute, test or sell adult use cannabis or adult use cannabis products.

LIGHT MANUFACTURING: The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting or otherwise shaping of the processed materials into useful objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate

means of access.

LOT: A single contiguous parcel of developed or undeveloped land.

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 lot area covered or occupied by principal and accessory structures, and roads, driveways, parking lots and other impermeable/impervious surfaces.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

LOT LINE: A line bounding a lot which divides one lot from another; or from a street or any other public or private space.

LOT LINE, FRONT: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the lot line in front of the front entrance of the building.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT LINE, REAR: That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear yard shall be the two opposing yards.

LOT OF RECORD: Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

LOT STANDARDS: The combination of controls which establishes the maximum size of a building and its location on the lot. Components of lot standards, also known as "space and bulk" regulations in size and height of building; location or exterior walls at all levels with respect to lot lines, streets and other buildings; building coverage; gross floor area of buildings in relation to lot area; open space (yard) requirements; and amount of lot area provided per dwelling unit.

MAINTENANCE & REPAIR, NORMAL: Any work necessary to maintain an improvement or structure in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, change in size or change in capacity.

MANUFACTURING OR MANUFACTURE (CANNABIS): "Manufacturing" or "manufacture" means the production, blending, infusing, compounding or other preparation of cannabis and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

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

MARKET VALUE: The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

MATURE CANNABIS PLANT: "Mature cannabis plant" means a flowering female cannabis plant. "Mature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

MEDICAL CLINIC: An office building used by members of the medical profession for the diagnosis and out-patient treatment of human ailments, including, without limitation, a medical marijuana dispensary and a methadone clinic.

MEDICAL PROVIDER: "Medical provider" means a physician, a certified nurse practitioner or a physician assistant.

MEDICAL USE (CANNABIS): "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification.

METHADONE CLINIC: A substance abuse treatment program that provides treatment for persons with heroin or other opiate addictions where the treatment provided includes administration or prescription of methadone or other opioid replacements (*e.g.*, methadone, methadone hydrochloride or LAAM (levo-alpha-acetyl-methadol)) for either detoxification or maintenance purposes.

MINERAL EXPLORATION: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources, other than methods associated with industrial metallic mining, which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

MINERAL EXTRACTION: Any operation, other than industrial metallic mineral mining,

within any twelve (12) month period which removes more than one-hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other material from its natural location and to transport the product removed, away from the extraction site.

MINIMUM LOT WIDTH: The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

MOBILE HOME/MANUFACTURED HOUSING UNIT: A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels, or on a flat bed or other trailer, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, such as locating on jacks or other foundation, or connection to utilities. For the purpose of this Ordinance, a mobile home shall be treated as a single-family dwelling and be subject to all land use regulations applicable thereto. Mobile homes may be differentiated between:

1. **NEWER MOBILE HOME**: Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et seq., which in the traveling mode are 14 body feet or more in width and are 750 or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation;

2. **OLDER MOBILE HOMES**: Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, but does not include those smaller units commonly called travel trailers.

MOBILE HOME PARK: A parcel of land in unified ownership approved by the Town for the placement of three (3) or more manufactured housing units.

MOBILE HOME PARK LOT: A parcel of land within a mobile home park, designated on the mobile home park plan, on which an individual manufactured housing unit (mobile home) may be located and which is reserved for use by the occupants of that home.

MOTEL: A building or group of buildings designed, intended or used primarily for providing temporary living accommodations which may include provisions for living space, cooking, bathing and eating.

MOTEL UNIT: A room or group of rooms designed and equipped for use as temporary living quarters which may include provisions for living space, cooking, bathing, and eating.

MOTOR VEHICLE, UNSERVICEABLE: Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any public highway, or which is not being used for the purposes

for which it was manufactured.

MULTI-FAMILY DWELLING: A building, or portion thereof, used for residential occupancy by three (3) or more families, each living independently of the other

MUNICIPAL FACILITIES: Buildings or land which is owned by a public entity and operated under its supervision for a public purpose.

NATIVE: Indigenous to the local forests.

NATURAL AREAS AND NATURAL COMMUNITIES/UNIQUE NATURAL AREAS AND NATURAL COMMUNITIES: Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the Comprehensive Plan.

NEIGHBORHOOD STORE: A retail store that occupies less than 2,000 square feet of total floor space and within which no alcoholic beverages are consumed.

NON-CONFORMING CONDITION: A non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

NONCONFORMITY, INCREASE: SEE INCREASE IN NONCONFORMITY OF A STRUCTURE

NON-CONFORMING LOT: A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

NON-CONFORMING STRUCTURE: A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

NON-CONFORMING USE: Use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

NORMAL HIGH-WATER LINE: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

PARKING LOT: An open area other than a street used for the parking of more than four automobiles and available for employee parking and public use whether free, for compensation,

or an accommodation for clients or customers.

PARKING SPACE: An area not less than ten (10) feet wide and twenty (20) feet long, not including the access thereto, accessible from street or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto may be construed to be usable year round. A parking space to accommodate the handicapped shall be an area not less than twelve (12) feet wide and eighteen (18) feet long.

PERFORMANCE STANDARD: A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by users in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of citizens of Hope.

PERMANENT STRUCTURES: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

PERSON: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

PERSONAL SERVICE: A service listed under U.S. Standard Industrial Classification Code 72, and including laundry and cleaning services, photography studios, shoe repair shops, funeral homes, and similar services to the general public.

PLANT CANOPY (CANNABIS): "Plant canopy" means the total surface area within the licensed premises of a cultivation facility that is authorized by the department for use at any time by the cultivation facility licensee to cultivate mature cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature cannabis plants and seedlings and that are not used by the licensee at any time to cultivate mature cannabis plants.

PORCH: An attachment to a building or structure which has a roof and may be screened or enclosed; it will not be heated.

POTABLE: Safe for drinking as defined by the US Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS). Resolve 2021 Chater 82, *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.*

PRINCIPAL STRUCTURE: A building or similar structure in which is conducted or in which

is intended to be conducted, the main or primary use of the lot on which it is located.

PRINCIPAL USE: The specific primary purpose for which land is used.

PRODUCTS MANUFACTURING FACILITY (CANNABIS): "Products manufacturing facility" means a facility licensed under this chapter to purchase adult use cannabis from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use cannabis and adult use cannabis products; and to sell adult use cannabis and adult use cannabis products to cannabis stores and to other products manufacturing facilities.

PROFESSIONAL OFFICE: An office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, etc., but not including any manufacturing, commercial or industrial activity.

PUBLIC FACILITY: Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

QUASI-PUBLIC FACILITY: A facility for a recognized public purpose, such as an auditorium, library, park, or museum, which is operated by a not-for-profit organization or by a public agency other than the Town, the State or the federal government.

RECENT FLOODPLAIN SOILS: the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

RECHARGE AREA: Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

RECREATIONAL FACILITY: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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

REGISTERED DISPENSARY OR DISPENSARY (CANNABIS): "Registered dispensary"

or "dispensary" means an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis plants or harvested cannabis or related supplies and educational materials to qualifying patients and the caregivers of those patients.

REPLACEMENT SYSTEM: A subsurface waste water system intended to replace:

1. Any existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. Any existing overboard wastewater discharge.

RESTAURANT: A full service eating facility that meets the following criteria:

1. Food and beverages are served at a table for consumption predominately on the premises.
2. Plates and utensils are washed on premises.
3. At least fifty (50) percent of the seating is within the building.
4. State and Town hygiene requirements are met.

RESTRICTIVE COVENANT: A provision in a deed, or other covenant conveying real property, restricting the use of the land.

RETAIL ESTABLISHMENT: Any business, housed in a permanent structure, engaged primarily in the sale of goods and services to the ultimate consumer for direct consumption and/or use, but not for resale.

RIGHT OF WAY: The legal right, established by usage or grant, to pass along a specific route through property belonging to another.

RIPRAP: Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

RIVER: A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

ROAD: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles which often serves as the principal means of access to abutting properties.

ROAD, PRIVATE: SEE WAY, PRIVATE

ROAD, PUBLIC: A public thoroughfare, way, or easement permanently established for passage of persons or vehicles and which has been duly recorded as such in the Knox County Registry of Deeds.

ROOF MOUNTED: A Solar Energy Facility that is structurally mounted onto the roof of a structure; may be of any size (small-, medium- or large-scale).

ROOMING HOUSE: A building of residential character in which three (3) or more rooms are rented to guests for the purpose of lodging and/or the taking of meals. The renting of one or two (2) bedrooms in a dwelling otherwise used as living quarters for one family shall not be considered a rooming house but rather shall be considered an accessory use to the single family dwelling.

SCHOOL, COMMERCIAL: A place or institution for teaching and learning, which place or institution is established for commercial or profit-making purposes, including, by way of example only, schools for dance, music, riding, gymnastics, photography, driving or business.

SCHOOL, PUBLIC AND PRIVATE: A place or institution for teaching and learning, which place or institution teaches courses of study sufficient to qualify attendance there as being in compliance with state compulsory education requirements. A public school, as differentiated from a private school, is operated by a municipal corporation or school administrative district or, for the purposes of this Ordinance, by a recognized religious organization.

SEEDLING (CANNABIS): "Seedling" means a cannabis plant or rooted cutting that is not flowering and is less than 24 inches in height; and less than 24 inches in width.

SERVICE DROP, ELECTRICAL: Any electrical utility line extension which does not cross or run beneath any portion of a water body provided that:

1. The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
2. The total length of the extension is less than 1,000 feet.

SERVICE DROP, TELEPHONE: Any telephone utility line extension which does not cross or run beneath any portion of a water body provided that:

1. The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
2. The extension requiring the installation of new utility poles or placement underground is less than 1,000 feet in length.

SETBACK: The minimum distance from the edge of the road surface or lot line to the nearest part of a structure.

SETBACK, BACK OR REAR: The distance between the rear line of the lot, extending the full width of the lot, and the nearest part of any principal or accessory structure. Back or rear setback and back or rear yard are synonymous.

SETBACK, FRONT: The distance between the edge of the road surface extending the width of the frontage, and the nearest part of any principal or accessory structure. Front setback and front yard setback are synonymous.

SETBACK, SHORELINE: The nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

SETBACK, SIDE: The distance between the side property line and the nearest part of any principal or accessory structure. Any lot line not a back lot line or a front lot line shall be deemed a side lot line. Side setback and side yard are synonymous.

SINGLE-FAMILY DWELLING: A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.

SHORE FRONTAGE: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

SHORELAND ZONE: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within two hundred and fifty (250) feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

SHORELINE: The normal high-water line of a water body, or upland edge of a freshwater wetland.

SIGN: Structure, device, letter, word, model, banner, insignia, flag, or other representation which is used as or is in the nature of an advertisement, announcement, or direction. The area of a sign is the area on one side of the smallest simple geometric shape such as a square, rectangle, triangle, circle, etc., encompassing all lettering, wording, design, symbols, together with any background which is not the same color as the building. An inconspicuous support such as a slim post is not part of sign area.

SIGN, ILLUMINATED: A sign that has characters, letters, figure, designs, or outlines illuminated by electric lighting or luminous tubes as part of the sign, and not the so-called neon tube, or whose illumination is derived entirely from an external artificial source.

SIGN, OFF-PREMISE: A sign that is not located upon the same real property that the business, facility, or point of interest which it serves is located.

SIGN, ON-BUILDING: A sign that is attached to the building wall and which extends not more than six inches from the face of such wall.

SIGN, ON-PREMISE: A sign that is located upon the same real property that the business, facility or point of interest which it serves is located.

SIGN, TEMPORARY: A sign of a temporary nature, erected less than ninety (90) days, within any twelve (12) month period, exemplified by the following: political signs, charitable signs, fundraising sign, construction signs, carnival signs, garage sales, lawn sales, rummage sales, and all signs advertising sales of personal property (excluding mobile homes), and for rent signs. Any exterior sign displayed by an ongoing business on the business premises on which the written or printed message changes while the structure of the sign remains unchanged shall not be considered as a temporary sign. For example, chalkboards and signs with removable lettering shall not be considered temporary signs if in place for ninety (90) days or more within any twelve (12) month period.

SKID TRAIL: A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

SLASH: The residue, e.g., treetops and branches, left on the ground after a timber harvest.

SOLAR COLLECTORS: Devices or systems that use solar radiation as an energy source for the generation of electricity through photovoltaic (PV) conversion or the transfer of stored heat.

(1) Cell: the basic element of a PV or heat-capturing system.

(2) Module/Panel: multiple PV cells electrically connected or multiple heat-capturing elements connected into one unit.

(3) Array: multiple separate modules/panels connected together.

(4) Roof-Mount: panels installed directly on the roof or a roof-mounted rack system.

(5) Ground-Mount: specialized racking system anchored to the ground.

SOLAR ENERGY FACILITY: (To include Solar Array, Solar Park or Solar Farm) Is an energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. It may be roof-mounted or ground-mounted and may be of any size in accordance with this Ordinance.

STREAM: A free-flowing body of water from the outlet of a great pond or from the confluence of 2 perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minutes series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

STRUCTURE: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes, buildings, mobile homes, radio towers, sheds, signs,

decks, and storage bins.

STRUCTURE, ACCESSORY: A building or similar structure which

1. Is subordinate in area, extent and purpose to the principal building or use served,
2. Is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and
3. Is customarily incidental to the principal building or use.

Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory or similar structure.

SUBSTANTIAL START: A building is substantially started when the foundation is complete. A substantial start must be made within six months of a building permit being issued.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM - Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. § 414, as may be amended, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1, as may be amended.

SUSTAINED SLOPE: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

TESTING OR TEST (CANNABIS): "Testing" or "test" means the research and analysis of cannabis, cannabis products or other substances for contaminants, safety or potency. "Testing" or "test" includes the collection of samples of cannabis and cannabis products for testing purposes but does not include cultivation or manufacturing.

TESTING FACILIY (CANNABIS): "Testing facility" means a facility licensed under this chapter to develop, research and test cannabis, cannabis products and other substances.

TIMBER HARVESTING: The cutting and removal of trees from their growing site for the primary purpose of selling or processing forest products., and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

TRADESMAN'S SHOP: The shop of a self-employed craftsman or person in a skilled trade.

TRANSIENT: A non-resident person residing within the Town of Hope less than thirty (30) days.

TRIBUTARY STREAM: A channel between defined banks created by the action of surface

water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or by the presence of aquatic vegetation, and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

The definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

TWO-FAMILY DWELLING: A detached or semi-detached building or similar structure used for residential occupancy by two (2) families living independently of each other.

UPLAND EDGE: The boundary where the soils change from those soils that are saturated and support the growth of wetland vegetation to those soils which are not saturated for a duration sufficient to support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six meters, approximately twenty feet tall or taller

USE: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY: A use subordinate to a permitted use located on the same lot, and customarily incidental to the permitted use.

USE, CONFORMING OR PERMITTED: A use which may be lawfully established in a particular district provided it conforms to all the requirements, standards and regulations of such district.

USE, OPEN SPACE: A use which does not disturb the existing state of the land except to restore this land to a natural condition.

VARIANCE: A variance is a relaxation of the terms of this Ordinance by decision of the Board of Appeals. It can be granted only where such variance will not be contrary to the public interest and only where a literal enforcement of the Ordinance will result in undue hardship as set forth in Section 10.2.

VEGETATION: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and one-half (4 ½) feet above ground level.

VOLUME OF STRUCTURE: The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

WAREHOUSES AND STORAGE FACILITIES: Facilities that are dedicated to the storage and distribution of manufactured products, supplies and equipment, but excluding bulk storage of

materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

WATER BODY: Any great pond, river, or stream.

WATER CROSSING: Any project extending from one bank to the opposite bank of a stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

WAY, PRIVATE: A thoroughfare or way designated for private use and maintained by a property owner or group of property owners and which has been duly recorded as such in the Knox County Registry of Deeds.

WETLAND: A freshwater wetland.

WETLANDS ASSOCIATED WITH GREAT PONDS: Wetlands contiguous with or adjacent to a great pond, and which during normal high water, are connected by surface water to the great pond. Also included are wetlands which are separated from the great pond by a berm, causeway, or similar features less then one hundred (100) feet in width, and which have a surface elevation at or below the normal high water line of the great pond. Wetlands associated with great ponds are considered to be part of that great pond, such that the shoreland zone encloses both the great pond and the wetland as a whole.

WHOLESALE BUSINESS ESTABLISHMENT: Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

WILDLIFE HABITAT: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the comprehensive plan.

WIND ENERGY FACILITY: An electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s).

WIND TURBINE, COMMERCIAL: A wind energy conversion system which converts wind energy into electricity through the use of a wind-driven turbine generator when the total height exceeds one-hundred fifty (150) feet or the nameplate capacity exceeds one-hundred (100) kilowatts. Such wind turbine includes the turbine, blade, tower, base and pad transformer, if any.

WIND TURBINE, PERSONAL: A wind energy conversion system which converts wind energy into electricity through the use of a wind-driven turbine generator when the total height is one-hundred fifty (100) feet or less and where no less than 60 percent of the energy generated

remains on the property.

WIND TURBINE, HOBBYIST: A wind energy conversion system which converts wind energy into electricity through the use of a wind-driven turbine generator when the total height is less than fifty (50) feet and the prop diameter is twelve (12) feet or less.

WIRELESS TELECOMMUNICATIONS FACILITIES, CELL TOWERS, ANTENNA TOWERS: Structures that receive and/or transmit wireless communications or other signals, excluding emergency, temporary wireless telecommunications facilities, amateur (ham) radio stations, parabolic antenna less than seven (7) feet in diameter and that are an accessory use of the property, or antennas as a residential accessory use.

WOODY VEGETATION: Live trees or woody, non-herbaceous shrubs.

ZONING ORDINANCE: A type of ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.