General Zoning Ordinance

Of The

TOWN OF

FRANKLIN, MAINE

Original Ordinance Enacted	March 18, 1974
Enacted/Accepted Amendments	1975 1986 1991 2001 2005 2006 2007 2008 2009 2011 2012 2013 2016 June 28, 2021
Special Town Meeting -- Amendments	June 24, 2024
Town Meeting Amendments	March 28, 2026

Attest and Certified By: _____

Deborah T Lurvey
Town Clerk, Franklin, Maine

Date: _____

Pages: 53

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ARTICLE 1 -- GENERAL

1.1 Short Title

This Ordinance shall be known as the "**Zoning Ordinance of the Town of Franklin, Maine**", and will be referred to herein as this "Ordinance."

1.2 Purpose

To further the maintenance of safe and healthful conditions and the general welfare, prevent and control water pollution, protect spawning grounds, fish aquatic life, bird and other wildlife habitat to control building sites, placement of structures and land uses, to protect visual as well as actual points of access to inland and coastal waters and natural beauty; to protect buildings and lands from flooding and-accelerated erosion; to protect archaeological and historic resources, to protect commercial fishing and maritime industries, to conserve open space, and to anticipate and respond to the impacts of development.

This Ordinance does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person of the necessity of complying with other applicable laws and regulations; it does not replace the "Shoreland Zoning Ordinance for the Town of Franklin, Maine*"*

1.3 Basic Requirements

All buildings or structures hereinafter erected, reconstructed, enlarged, or moved, and uses of premises in the Town of Franklin shall be in conformity with the provisions of this Ordinance. No building, structure, land area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, or land area is located. No new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located.

1.4 Non-conforming Uses

1.4.1 Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

1.4.2 General

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

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

NOTE: See Article 3 for the definitions of non-conforming structures, nonconforming uses and non-conforming lots.

1.4.3 Non-conforming Structures

A. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure, and is in accordance with the subparagraph below.

1. Legally existing non-conforming principal and accessory structures located fully within the General District, and which do not meet the setback requirements may be expanded or altered, as long as all other applicable standards contained in this Ordinance are met.

B. Construction or enlargement of a foundation beneath the existing non-conforming structure is not considered an expansion of the structure provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or it's designee, basing it's decision on the criteria specified in paragraph C Relocation, below.

Note: The maximum allowable structure height is described in Section 4 of this Ordinance.

C. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

D. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback and which is removed, damaged or destroyed by more than fifty percent (50%) of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place, with a permit from the code enforcement officer.

E. Change of Use of a Non-conforming structure: The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat vegetative cover, visual and actual points of, public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

1.4.4 Non-Conforming Uses

A. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section- 1.4.3. (E) above.

B. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

C. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses, than

the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 1.4.3. (E) above.

1.4.5 Non-conforming Lots

A. Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon without the need for a variance, provided that such lot is in separate ownership and 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. An accessory dwelling unit (ADU) may be built on a non-conforming lot of record providing the ADU does not further increase non-conformity except in lot area, and all other provisions of this ordinance are met. Variances relating to setback or other requirements not involving lot area or frontage shall be obtained by action of the Board of Appeals.

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

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance. For the purposes of 1.4.5(B), a stand-alone ADU shall be considered a principle structure.

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

1.4.6 Restoration of Unsafe Property

Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition any part of any building or structure declared unsafe by the Code Enforcement Officer.

1.4.7 Pending Application for Building Permits

Nothing in this Ordinance shall require any designated use for any building, structure or part thereof for which application for building permit has been made or a building permit

has been issued or upon construction commenced prior to the adoption or amendment of this Ordinance, provided construction shall start within 60 days after the issuance of such permit.

1.5 Validity and Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

1.6 Conflict with Other Ordinances

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

1.7 Amendment

This Ordinance may be amended as follows:

1) By a majority vote of the governing body if the proposed amendment is recommended by a majority vote of the Planning Board

2) By 2/3 majority vote of the governing body if the proposed amendment is not recommended by the Planning Board.

In either case, the Planning Board shall hold a public hearing at least 30 days prior to the meeting of the governing body. Notice of the hearing shall be posted in the Town Office at least thirteen (13) days in advance of the Public Hearing. The notice shall be published at least two (2) times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication shall be at least twelve (12) days before the hearing, and the date of the second publication must be at least seven (7) days before the hearing.

Note: any proposed amendment(s) which would place a landowner's property into a Resource Protection District requires additional notice and notifications under Title 30-A, section 4352.

1.8 Effective Date

The effective date of this ordinance is March 26th, 2011.

1.9 Authority

This Ordinance has been prepared in accordance with State law.

1.10 Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

ARTICLE 2 – ESTABLISHMENT OF DISTRICTS

2.1 Zoning Districts

To implement the provisions of this Ordinance, the Town of Franklin is hereby divided into the following Districts:

1) Resource Protection District
2) Shoreland District
3) General Purpose District
4) Stream Protection District

The Shoreland District, Resource Protection District and Stream Protection District are managed under the provisions of the Shoreland Zoning Ordinance for the Town of Franklin, Maine

2.2 Location of District

The General Purpose district is located and bounded as shown on the Official Zoning Map, which is made a part of this Ordinance, entitled "Zoning Map of Franklin, Maine" dated and on file in the Office of the Municipal Clerk, and includes all areas of the Town of Franklin not within the Shoreland, Resource Protection or Stream Protection Districts. The Official Map shall be signed by the Municipal Clerk and chairman of the Planning Board at the time of adoption or amendment of the Ordinance certifying the date of such adoption or amendment. Additional copies of this map may be seen in the Office of the Selectmen.

2.3 Interpretation of District Boundaries

Unless otherwise set forth in the Official Zoning Map, District boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the Shoreland Zone as defined herein. Where uncertainty exists as to exact location of District boundary lines, the Board of Appeals shall be the final authority as to location.

2.4 Division of Lots by District Boundaries

2.4.1 Where a zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended no more than fifty (50) feet into the more restricted portion of the lot. Less restrictive district regulations shall not be extended into any Resource Protection District.

2.4.2 Extension of use shall be considered special exception, subject to approval of the Planning Board and in accordance with the criteria set forth in Paragraph 6.8.3(4) factors applicable to special exceptions.

ARTICLE 3 – CONSTRUCTION OF LANGUAGE AND DEFINITIONS

3.1 Construction of Language

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

The word "person" includes a firm, association, organization partnership, trust company or corporation. as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied' include the words "intended", "designed" or "arranged to be used or occupied", the word "building", includes the word "structure", and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

3.2 Definitions:

In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed.

Accessory Dwelling Unit: An "accessory dwelling unit' means a self-contained dwelling unit containing cooking, sleeping and toilet facilities, and containing no more than two bedrooms, and located within, attached to or detached from a single-family dwelling unit located on the same parcel of land, and having a floor area of no more than seven hundred-fifty (750) square feet or fifty percent (50%) of the floor area of the single family dwelling unit on the same parcel, whichever is less.

Accessory Use or Structure: A use or structure of a nature customarily incidental and subordinate to those of the principal use or structure.

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

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

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Automobile Graveyard: a yard, field or other outdoor area used to store three (3) *or* more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

Basement: A portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.

Billboard: A sign, structure or surface larger than six (6) square feet which is available for advertising purposes for goods or services rendered off the premises, excluding directional signs.

Boathouse: A non-residential structure designed for the purpose of protecting or storing boats for non-commercial purposes.

Building: A structure built for the support or shelter of persons, animals, goods or property of any kind.

Campground: Any premises established for overnight use for the purpose of temporary camping and for which a fee is charged.

Cellar: A portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

Channel: A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

Code Enforcement Officer: A person appointed by the Municipal Officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer shall be construed to include Building inspector, Electrical Inspector, and the like where applicable.

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 goods and/or services exclusive of rental of residential buildings and/or dwelling units.

Conforming Use: A. use of building, structures or land which complies with all applicable provisions in this Ordinance.

Constructed: Includes built, erected, reconstructed moved upon or any physical operations on the premises which are required for construction excavation fill, drainage, and the like, shall be considered a part of construction.

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

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

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

Dwelling: A fixed structure, containing one or more dwelling units.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes, but shall not include trailers, recreational vehicles and accessory dwelling units.

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

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

Excavation: Any removal of earth or material from its original position.

Expansion of a Structure: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached decks, garages, porches and greenhouses.

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

Family: One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel such unit shall not exceed five (5) persons not related by blood or marriage.

Filling: Depositing or dumping any matter on or into, the ground or water.

Flood: A temporary rise in stream flow or tidal surge that results in water overtopping its banks and inundating adjacent areas.

Flood Plain: The land adjacent to a water body which have been or may be covered by the regional flood.

Floodway: The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream.

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

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

Foundation: The supporting substructure of a building or other structure including but not limited to basements, slabs, sifts, posts, or frost walls.

Height of a structure: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area. Cupolas, domes, widow's walks and similar features that are not inhabited, and are mounted on a building roof for observation and/or decorative purposes are also excluded under the following conditions, all of which must apply:

1. The feature is on a legally existing conforming structure.
2. The feature does not extend beyond the exterior walls of the existing structure.
3. The feature has a floor area of fifty-three (53) square feet or less.
4. The feature does not increase the height of the existing structure by more than seven (7) feet.

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. Home occupation shall not include activities which do not necessitate permanent alteration and, to structures on or about the premises.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

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

Lot Area: The area of land enclosed within the boundary lines of a lot, minus areas beneath roads serving more than two lots.

Lot Coverage: The percentage of the plot or lot covered by all buildings.

Lot Interior: Any lot other than a corner lot.

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

Front Lot line: On an interior lot, the line separating the lot from the street. On a corner or through lot, the line separating the lot from either street.

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

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

Lot Width: The horizontal distance between the side lot lines, measured at the frontage setback line.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by the Town or County Officials.

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.

Methadone Clinic: A program or facility operated for the purpose of providing treatment for persons with heroin or other opiate addictions, when treatment provided includes administration or prescription of methadone or other opiate replacements for either detoxification or maintenance purposes. For the purposes of this ordinance, the term "methadone clinic" includes but is not limited to substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse to provide opioid supervised withdrawal and maintenance treatment services under 14-118 Code of Maine Regulations section 4.16.

Minimum Lot Width: The closest distance between the side lot lines of a lot.

Mineral Exploration: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which, create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction: Any operation 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 like material from its natural location and to transport the product removed, away from the extraction site.

Mobile Home: A structure designed as a dwelling unit for location on permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than four hundred fifty (450*)* square feet of gross floor area.

Mobile Home Park: A plot of land laid out to accommodate at least three (3*)* mobile homes.

Multi-unit Residential: A residential structure containing three (3) or more residential dwelling units. For the purposes of this definition, accessory dwelling units are not counted as residential dwelling units.

Non-Conforming Building or Use: A building, structure, use of land, or portion thereof existing at the effective date of adoption or amendment of this Ordinance which does not conform to all applicable provisions of this Ordinance.

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 requirement 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.

Open Space Use: A use not involving: A structure; earth-moving activity or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic, life, bird and other wildlife habitat.

Parking Space: A minimum area of two hundred (200) square feet, exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles.

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

Planned Unit Development: Land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. Development may be a single operation or a programmed series of provisions for operation and maintenance of such areas and improvements and facilities necessary for common use by the occupants of the development.

Premises: One or more lots which are in the same ownership and are contiguous, separated only by a road or water body including all buildings, structures and improvements.

Principal Building: The building in which the primary use of the lot is enclosed.

Principle Use: The primary use to which the premises are devoted, and the main purpose for which the premises exist.

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.

Public Utility: My person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam electricity, waste disposal, communication facilities, transportation or water to the public.

Recent Flood Plain Soils: The following soil series as described and identified by the National Cooperative Soil Survey:

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

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 pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order

to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground; and must be registered with the State Division of Motor Vehicles.

Replacement System: A system intended to replace: 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure or 2) any existing overboard wastewater discharge.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent seasonal or living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Residential Solar Collector: "Residential solar collector" is a device, structure or part of a device or structure that is designed and used to transform solar energy into thermal, chemical or electrical energy to meet the water heating, space heating, space cooling or electricity generation requirements of one residential dwelling, as referenced in Maine Statute Title 33, Chapter 28-A, §1421, as may be amended.

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.

Road: A route or track longer than five hundred (500) feet and serving more than two (2) principle uses, 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.

Service Drop: Any utility extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service
   a. 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
   b. the total length of the extension is less than one thousand (1000) feet.

2. In the case of telephone service
   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: The minimum horizontal distance from a lot line to the nearest part of a structure.

Shoreline: As defined in the "Shoreland Zoning Ordinance for the Town of Franklin, Maine".

Signs: A name, identification, description, display or illustration which is affixed to painted or represented; directly or indirectly upon a building, structure; parcel or lot- and which relates to an object, product, place, activity, person, institution, organization or public business.

Solar Collector: "Solar Collector" means a device, structure or part of a device or structure that is designed and used to transform solar energy into thermal, chemical or electrical energy.

Solar Power Generating System: "Solar power generating system" means a device, structure or part of a device or structure that is designed and used to transform solar energy into thermal, chemical or electrical energy as a commercial enterprise and which does not meet the definition of 'residential solar collector'.

Special Exception: A use permitted only after review and approval by the Planning Board. A special exception is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance, would promote the purpose of this Ordinance. Such uses may be permitted if specific provision for such special exceptions is made in this Ordinance.

Special Exception Permit: A permit issued by the Planning Board for a special exception use. A special exception permit may be issued only after the applicant has followed the procedures of this Ordinance.

Structure: Anything built for the support, shelter or enclosure of persons, domestic animals, goods or properly 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.

Subdivision: A subdivision is the division of a tract or parcel of land into three (3) or more lots within any five (5) year period as defined in MRSA 30A, Sec. 4401, whether accomplished by sale, lease, development, building or otherwise, except when the division is accomplished by inheritance, order of court or gift to a relative, unless the intent of such gifts is to avoid the objectives of this section.

In determining whether a parcel of land is divided into three (3) or more lots, land retained by the sub divider for his own use as a single family residence for a period of at least five (5) years shall not be included.

No sale or lease of any lot or parcel shall be considered as being a part of subdivision if such a lot or parcel is forty (40) acres or more in size, except where the intent of such sale or lease is to avoid the objectives of this statute.

Substantial Start: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Substantially Complete: the stage in the progress of construction or development of a structure or use when all conditions of permit approval are in place and function as intended by the Planning Board, and the structure or use can be legally occupied and/or operated for its declared purpose.

Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es) alternative toilet(s), or other devices and associated piping designed to function as a unit for the, purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414; any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous wastes defined in 38 MASA Chapter 13, subchapter 1.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber Harvesting: The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Variance: A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property.

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 4 1/2 feet above ground level.

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

Water Crossing: Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cable as well as maintenance work on these crossings.

Yard: The area of land on a lot not occupied by the principal building.

Yard Front: The area of land between the front lot line and the nearest part of the principal building.

Yard Side: The area of land between the side lot line and nearest part of the principal building.

Yard Rear: The area of land between the rear lot line and the nearest part of the principal building.

ARTICLE 4 – LAND USE DISTRICT REQUIREMENTS

4.1 General Purpose District

4.1.1 Purpose

To allow a maximum diversity of uses, while protecting the public health and safety, environmental quality and economic well-being of the town, by imposing minimum controls on those uses which, by virtue of their external effects (waste discharge, noise, glare, fumes, smoke, dust, odors, or auto, truck, or rail traffic) could otherwise create nuisances or unsafe or unhealthy conditions.

4.1.2 Basic Requirement

Permitted uses and special exceptions shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A Plumbing Permit and Building or Use Permit shall be required for any buildings, uses, and sanitary facilities, according to the provisions of Article 6 of this Ordinance.

4.1.3 Permitted Uses

The following uses are permitted in the General Purpose District:

(1) Rural

Open Space Use
Agriculture and Gardening
Sale of produce and plants raised on the premises, or seasonal public or private recreation facilities including parks, playgrounds, golf courses, driving ranges, and swimming pools, but excluding campgrounds
Accessory uses and structures
Timber harvesting

(2) Residential

Single family dwelling, including single camp, tent or mobile home
Accessory dwelling unit
Two family dwelling
Home Occupations
Accessory uses and structures

(3) Commercial and Industrial

Facilities having less than twenty-five hundred (2500*)* square feet of gross floor area and employing less than five (5*)* full time employees or equivalent thereof. Facilities offering food and beverages prepared on the premises and auto service

stations or repair garages are exempt from these limits, and may be located in the General Purpose District.
Accessory uses and structures

(4) Public, Semi-Public, and Institutional

Church or other place of worship, parish house, rectory, convent and other religious institutions
Public, private and parochial schools
Public buildings, such as libraries, museums, civic centers
Cemeteries
Accessory uses and structures.
Uses which are similar to the above uses

(5) Other

Filling, grading, lagooning, dredging or other earth-moving activity operated in accordance with State laws
Signs

(6) General Purpose District Subdivision

The subdivision shall be divided into lots of no less than forty thousand (40,000) square feet, with the minimum frontage of not less than one hundred (100) feet.

4.1.4 Special Exceptions

The following uses may be allowed only upon the granting of a special exception permit by the Planning Board, in accordance with the provisions of Article 6:

(1) Rural

Campgrounds
Accessory uses and structures
Uses which are similar to the above uses

(2) Residential

Multi-family dwelling
Planned Unit Development or Cluster Development
Mobile home park
Accessory uses and structures
Uses which are similar to the above uses

(3) Commercial and Industrial

Commercial and Industrial facilities not meeting the criteria for permitted uses
Automobile graveyards and Junkyards operated in accordance with State law (note: also requires a permit from the Board of Selectmen)
Waste processing or disposal facility
Accessory uses and structures

(4) Public, Semi-Public, and Institutional

Utilities, including sewage collection and treatment facilities
Waste processing or disposal facilities other than sewage collection and treatment facilities
Accessory uses and structures
Uses which are similar to the above uses

(5) Other

Filling, grading, lagooning, dredging, or other earth-moving activity which does not meet the criteria for permitted filling, grading, lagooning, dredging, or other earth-moving activity including extractive uses such as gravel pits, quarries, mines and dredging operations
Billboards
Accessory uses and structures
Uses which are similar to the above uses

4.1.5 Prohibited Uses

The following uses are prohibited in the General Purpose District:

Uses and structures which would create a public nuisance, endanger the public health, safety, or welfare, result in substantial environmental deterioration or threaten the quality of any lake, pond, river, stream, tidal water, or ground water.

Any fill, deposit, obstruction, excavation storage of materials or structure which acting alone or in combination with existing or future similar works could adversely affect the efficiency or the capacity of the floodway or adversely affect existing drainage courses or facilities

Uses which are specifically prohibited by Federal or State law, or Municipal Ordinance

4.1.6 Dimensional Requirement

(1) Lots In the General Purpose District shall meet or exceed the following minimum dimensional requirements unless additional area is required by other provisions of this Ordinance.

Minimum Yard Dimensions (ft.).

Without Sanitary Sewers (sq/ft)	With Sanitary Sewers (sq/ft)	Front Frontage (ft.)	Side (setback)	Rear	Lot Coverage (%)
20,000	10,000	100	10	10	20

a. A lot abutting a public road shall have a minimum road-frontage of one hundred (100) feet.

b. A front yard abutting a public road shall have a minimum setback depth of seventy-five (75) feet from the center line of that road.

(2) Principal Building

If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.

(3) Accessory Dwelling Unit

Accessory dwelling units shall have a minimum floor area of 190 square feet. Accessory dwelling units shall have a maximum floor area of seven hundred-fifty (750) square feet or fifty percent (50%) of the floor area of the single-family dwelling unit on the same parcel, whichever is less.

(4) Required Yard Spaces Shall Serve Only One Lot

No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

(5) Building Height

No building shall exceed 2 1/2 stories or thirty-five (35*)* feet in height.

(a) Features of buildings and structures, such as chimneys, towers, ventilators, and spires may exceed thirty-five (35) feet in height, but shall be set back from the nearest lot line distance not less than the height of such a feature or structure, unless a greater setback is required by other provisions of this Ordinance.

(b) Cupolas, domes, widow's walks and similar features that are not inhabited, and are mounted on a building roof for observation and/or decorative purposes are also excluded under the following conditions, all of which must apply:

1. The feature is on a legally existing, conforming or non-conforming structure.

2. The feature does not extend beyond the exterior walls of the existing structure.

3. The feature has a floor area of fifty-three (53) square feet or less.
4. The feature does not increase the height of the existing structure by more than seven (7) feet.

Note: See Section 3.2, Definitions, Height of a structure, for additional information on allowable features.

4.1.7 Performance Standards

Permitted uses and uses permitted by special exceptions shall conform to the performance standards delineated in Article 5 of this Ordinance.

ARTICLE 5 – PERFORMANCE STANDARDS

5.1 All land use activities within the General District shall conform with the following:

(A) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

(B) If more than one residential dwelling unit or more than one principal commercial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure, except an accessory dwelling unit subordinate to a principle structure is exempt from additional lot area and lot frontage requirements. For additional accessory dwelling units on that parcel, all dimensional requirements shall be met for each addition accessory dwelling unit.

5.2 Principal and Accessory Structures

(1) No principal structure, garage or other accessory building shall be located in a required front yard. When located to the rear of the main building, the accessory building shall be set back at least 10 (ten) feet from the side or rear lot lines.

(2) Principal or accessory structures and expansions of existing structures shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(3) The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood as defined by soil types identified as recent flood plain soils. The applicant shall prove that all structures and fill do not encroach on the 100 year flood plain.

(4) Front and Side Yard Requirements
A front yard abutting a public road shall have a minimum depth of fifty (50) feet from the right of way line or seventy-five (75) feet from the center line whichever distance is greater. The depth of any yard abutting a public road or any water body shall conform to the front yard requirements. Combined width of both side yards shall be twenty (20) feet.

Required Yard Spaces Shall Serve Only One Lot

No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

5.3 Campgrounds

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

(1) Recreational vehicle and tenting areas containing approved water-carried sewage facilities shall meet the following criteria:
- **a.** Each recreational vehicle, tent, or shelter site shall contain a minimum of five thousand (5000) square feet, not including roads and driveways.
- **b.** A minimum of two hundred (200) square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site,
- **c.** Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace.

(2) The area intended for placement of the recreational vehicle, tent, or shelter and utility and service buildings, shall be set back a minimum of one hundred (100) feet from the exterior lot lines of the camping area.

5.4 Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

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

5.5 Filling, Grading, Lagooning, Dredging, or other Earth-Moving Activity

(1) General

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

(2) Earth-Moving Not Requiring a Special Exception Permit

The following earth-moving activity shall be allowed in the General Purpose District without a special exception permit from the Planning Board:

a. The removal or filling of less than two hundred (200) cubic yards of material from or on any lot in any one (1) year

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

c. The removal of filling or transfer of material incidental to construction alteration or repair of a public or private way or essential services.

All other earth moving processing and storage shall require a special exception permit issued by the Planning Board.

In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

(3) Application for Special Exception Permit

Application for a permit from the Planning Board for excavation, processing and storage of soil, loam, and sand, gravel, rock, and other mineral deposits shall be required.

a. The name and current address of the owner of the property involved;

b. The location and boundaries of the lot for which the permit is requested:

c. The existing contours of the land within and extending beyond the above boundaries for two hundred (200) feet interval not to exceed five (5) feet referred to Mean Sea Level;

d. The contours as proposed following completion of the operation at intervals not to exceed five (5) feet referred to Mean Sea Level;

e. The location of all proposed access roads and temporary structures;

f. The proposed provisions for drainage and erosion control, including drainage calculations; and

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

(3) Conditions of Permit

The Planning Board may issue a permit providing the following conditions shall be met:

a. The smallest amount of bare ground shall be exposed for the shortest time feasible. The Planning Board shall set a specific date after which bare ground shall not be exposed.

b. Temporary ground cover such as mulch shall be used. The Planning Board shall set a specific date by which permanent ground cover shall be planted.

c. Diversions, silting basins, terraces and other methods to trap sediment shall be used.

d. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The applicant shall submit written approval from the Dept. of Sea and Shore Fisheries or Inland Fish and Game, as applicable, prior to consideration by the Planning Board.

e. The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.

f. Fill shall not restrict a floodway, channel, or natural drainage.

g. To prevent slumping and erosion, sides of cuts, fills, channels, or artificial water courses, except where ledge is present, shall be constructed with side slopes of two (2) units horizontal distance, and one unit vertical or flatter, unless bulkheads, retaining walls, or rip-rapping are provided.

h. No below-grade excavation except for drainage ways shall be allowed within fifty (50) feet of any lot line or public road;

i. Topsoil or loam shall be restored to a depth of not less than four (4) inches.

(5) Optional Conditions of Permit

The Planning Board may impose reasonable conditions to safeguard the neighborhood and the Municipality which may include those relating to:

a. methods of removal or processing;

b. hours of operation;

c. type and location of temporary structures:

d. routes for transporting material;

e. area and depth of excavations;

f. provision of temporary or permanent drainage;

g. disposition of stumps, brush and boulders, and,

h. cleaning, repair and/or resurfacing of streets used in removal activity which have been adversely affected by said activity.

5.6 Mobile Homes and Mobile Home Parks

(1) Mobile Homes Not in a Mobile Home Park

Mobile homes not in a mobile home park shall meet all to the requirements of this Ordinance for single family dwellings.

(2) Mobile Home Parks

Mobile home Parks shall meet State requirements for mobile home parks and all of the following criteria:

a. Mobile home parks shall conform to M.R.S.A. 30-A Sec 4358, and all applicable State laws and local ordinances.

b. All mobile homes in a mobile home park shall be connected to a sanitary sewer system if available, or to a central collection and treatment system, in accordance with the sanitary provisions of this Ordinance.

5.7 Multi-family Dwelling Units

(1) Two-Family Dwelling Units

Lots for two family dwelling shall meet all of the dimensional requirements for single family units, except that the lot area and road frontage shall be equal to that required for an equivalent number of single-family dwelling units.

(2) Multi-Family Dwelling Units

Multi-family (3 or more) dwelling units shall meet all of the following criteria:

a. Lot area shall be equal to that required for the equivalent number of single-family dwelling units.

b. The minimum road frontage shall be two hundred (200) feet.

c. Lots for multi-family dwelling units shall meet all other dimensional requirements for single-family dwellings.

d. No building shall contain more than ten (10) dwelling units.

e. All multi-family dwelling units shall be connected to a public sewer system if available or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance.

f. No parking area shall be located within the required yard area.

5.8 Planned Unit Development and Cluster Development

(1) Purpose

The purpose of these provisions is to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the District in which the development is proposed.

(2) Basic requirements

Planned unit developments and cluster developments shall meet all of the following criteria:

a. All planned unit developments, and cluster developments shall meet all requirements for residential subdivision.

b. The minimum area of land in a planned unit development or cluster development shall be ten (10) acres.

c. Any lot abutting an accepted road shall have a frontage and area no less than that normally required in the General Purpose District. On other than accepted roads, lot area and road frontage may be reduced by not more than thirty percent (30%) from the requirements of the General Purpose District, provided that:

1) No building lot shall have an area of less than ten thousand (10,000) square feet.

2) All lots except those abutting a circular turn-around shall have a minimum frontage of seventy-five (75) feet. The frontage of lots abutting a circular turn-around may be reduced to fifty (50) feet, provided that the minimum lot width at the face of the building shall be seventy-five (75) feet.

d. In no case shall frontage be reduced below the minimum frontage normally required in the district.

e. Lots in a planned unit development or cluster development shall meet all other dimensional requirements for the General Purpose District.

f. The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the General Purpose District.

g. Every building lot that is reduced in area below the amount normally required shall abut such common land for a distance of at least fifty (50) feet.

h. All common land for recreational or conservation purposes only, shall be owned jointly or in common by the owners of the building lots: by a trust or association which has as its principal purpose the conservation or preservation of land in essentially its natural conditions or by the Municipality.

i. Further subdivision of common land or its use for other than non-commercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.

j. All residential structures in a planned unit development or cluster development shall be connected to a public sewer system, if available or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance.

k. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage area, in accordance with an overall plan for site development.

5.9 Sanitary Provisions

(1) Purpose

To promote health, safety and general welfare, and to protect ground and surface waters and public and private water supplies from contamination or nutrient enrichment, the following provisions shall be applicable to the installation of sanitary waste disposal facilities in all Districts.

(2) Connection to Public Facilities

All plumbing shall be connected to public collection and treatment facilities when such facilities are available.

(3) Subsurface Sewage Disposal

a. The installation of all subsurface disposal systems shall be accomplished in accordance with the Maine State Plumbing Code.

b. Setbacks

The minimum setback for underground sewage disposal facilities is listed in Section (6) a. below. Where daily sewage flows exceed two thousand (2,000) gallons, the minimum setback shall be three hundred (300) feet from any shoreline. Setbacks from shorelines for all subsurface sewage disposal facilities shall not be reduced by variance.

(4) Privies

Privies may be permitted in areas not served by community sewer facilities and where other means of sewage disposal are not feasible under the following conditions:

a. No plumbing of any kind shall be connected to or discharge into the privy.

b. The privy shall be located at minimum horizontal distances of:

1) Twenty-five (25) feet from the nearest property line

2) One hundred (100) feet from a private well

c. The bottom of the privy pit shall be at least (2) two feet above bedrock and the ground water table at its highest point or have a watertight vault.

d. Privies shall not be permitted in areas subject to frequent flooding.

(5) Other systems of sanitary waste disposal may be permitted in the General Purpose District as a special exception only after approval by the Planning Board.

a. Alternative systems shall be presented to the Planning Board on a plan prepared by a registered engineer and shall be subject to review and approval of the Maine Department of Environmental Protection and/or the Maine Department of Health and Welfare.

(6) Setbacks

a. Underground sewage disposal facilities, where permitted, shall be subjected to the following additional setback provisions.

	Daily sewage flow less than 2,000 gallons		Daily sewage flow in excess of 2,000 gallons	
Components:	Septic Tank Feet	Disposal Trench Feet	Septic Tank Feet	Disposal Trench Feet
Property	10	10	20	20
Buildings	8	20	20	40

Well or spring used as a domestic water supply	100	100	100	100
Well or spring used as a domestic water supply with a daily water use in excess of 2000 gallons	100	300	100	300
Water supply line	10	10	10	25

b. Setbacks from shorelines and water supplies for all subsurface sewage disposal facilities shall not be reduced by variance.

5.10 Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately liquid, gaseous, or solid materials of such nature, quantity obnoxiousness, toxicity, or temperature that run off, seep; percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or harmful to human, animal, plant, or aquatic life. No activity shall by itself or in combination with other activities impair designated uses or the water classification of a waterbody.

5.11 Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar, intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, and presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

5.12 Archaeological Sites

Any proposed land use, activity involving structural development or soil disturbance on or adjacent to sites listed on or eligible to be listed on the national Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to

action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

5.13 Opioid Treatment Programs (i.e. Methadone Clinics)

Any opioid treatment program (OTP) registered under 21 U.S.C. 823(g) shall comply with the following requirements:

1. Approved by the Planning Board as a Conditional Use regardless of size;

2. Be part of an acute care hospital's main campus (hospital based clinic);

3. Be only one OTP per acute care hospital:

4. Be restricted to a maximum of five (5) patients- active case load at any one time for the entire OTP;

5. OTP cannot operate in part, or in whole out of a mobile unit;

6. May only be located in the General District;

7. Must be at least one thousand (1000) feet from the nearest public or private school serving minors.

ARTICLE 6 - ADMINISTRATION

6.1 Enforcement

This ordinance shall be enforced by a Code Enforcement Officer appointed annually by July 1st, by the Municipal Officers.

6.2 Building or Use Permit

(1) All applications for building or use permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose.

All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the applications is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.

All applications shall be dated and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

(2) Within seven days of the filing of a complete an application for a building or use permit, the Code Enforcement Officer shall approve, deny, or refer to the Planning Board for special exception, all such applications. His decision shall be in writing on a form designed for the purpose and communicated directly to the applicant. One copy of the Code Enforcement Officer's decision shall be filed in the municipal office. In cases where the Code Enforcement Officer deems that a special exception permit is required, he shall also provide a copy of his decision to the Planning Board.

(3) No building permit for a building or structure on any lot shall be issued except to the owner of record thereof; or his authorized agent, until the proposed construction or alteration of a building or structure, shall comply in all respects with the provisions of this Ordinance or with a decision rendered by the Board of Appeals or the Planning Board. Any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Ordinance.

(4) Applications for permits with their accompanying plans and building permits shall be maintained as a permanent record by the Municipal Officers or the Code Enforcement Officer.

(5) Following the issuance of a permit, if no substantial start is made in construction within one year of the date of the permit, the permit shall lapse and become void. A one (1) year permit extension may be obtained from the Code Enforcement Officer prior to lapse of the original permit.

(6) Any increase in habitable living space shall require a building permit.

(7) Any change of use shall require a building permit.

6.3 Plumbing Permit Required

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid plumbing permit or a Complete Non-engineered Subsurface Waterwater Disposal System has been secured by the applicant or his authorized agent in conformance with the sanitary provisions of this Ordinance.

6.4 Fee

No building permit or use permit shall be issued without payment of a fee according to the following schedule:

a. Applicants for building permits, change of use permits, special exception permits and/or variances, shall submit a fee to the Code Enforcement Officer at the time of submission of application forms. The fees shall serve as renumeration for the services of the Code Enforcement Officer and as a source of funds for the administration of this Ordinance.

1. Change of use permits, and permits not for a structure shall require the payment of a fee, which shall be $30.00; said fee being apportioned $20.00 for the Code Enforcement Officer and $10.00 for administration.

2. Permits for structures shall require the payment of a fee, which shall be $.05 per square foot of floor area, to be retained by the Code Enforcement Officer, plus $10.00 for administration. For the calculation of this fee, floor area shall be considered the total vertical footprint of the structure, not the sum of the floors.

3. Use permits issued by the Code Enforcement Officer as described in Table 1 Land Uses and within the Shorelands, Resource Protection, and Stream Protection Districts, shall be $100.00; said fee apportioned $50.00 to the Code Enforcement Officer and $50.00 for administration.

4. Applicants for a special exception permit shall submit a fee to the Code Enforcement Officer of $250.00, said fee being apportioned $20.00 to the Code Enforcement Officer and $230.00 for administration.

5. After-the-Fact Permits; applicants seeking a permit for a use, activity or construction, which was begun prior to application, shall submit a fee equal to three (3) times the

regular fee for that permit, apportioned at the same percentages as the regular fee for that permit. After-the-fact permits shall not be issued for any use, activity, or construction which violated any section of this Ordinance at the time the use, activity or construction was begun, other than timeliness of application.

6. Permit extensions shall require the payment of a fee equal to fifty percent (50%) the original permit fee; the Code Enforcement Officer shall retain said fee as renumeration.

b. The subdivision application fee shall be $250.00 plus $25.00 per lot created by the subdivision.

c. The application fee for an administrative or variance appeal shall be three hundred fifty dollars ($350.00), for administration.

6.5 Enforcement Officer

A. Any violation of this Ordinance shall be deemed to be a nuisance.

B. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures, removal of illegal buildings, structures additions or work being done, or abatement of nuisance conditions or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. A copy of such notification shall be submitted to the municipal officers and be maintained as a permanent record.

C. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals and extensions. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance

D. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

6.6 Legal Action and Violations

When any violation of any provision of this Ordinance shall be found to exist, the Municipal attorney, as designated by the Municipal Officers, either on his own initiative, or upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality.

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.

6.7 Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

NOTE: Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues. However, in the Resource Protection District the maximum penalty is increased to $5000 (38 M.R.S.A. section 4452).

6.8 Appeals and Special Permits

6.8.1 Procedure

a. All appeals or applications for special exception permits shall be based upon a written decision from the Code Enforcement Office.

b. Administrative appeals and variance appeals shall be heard and decide upon by the Board of Appeals in accordance with the provisions of this ordinance.

c. Applications for special exception permits shall be heard and decided upon by the Planning Board in accordance with the provisions of this Ordinance.

d. Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court according to state law.

e. Special exception shall lie from the decision of the Code Enforcement Officer to the Planning Board and from the Planning Board to the Superior Court according to state law.

6.8.2 Board of Appeals

(1) Establishment

A Board of Appeals is hereby established in accordance with state law and the provisions of this Ordinance.

(2) Appointment and Composition

a. The Board of Appeals shall be appointed by the Municipal Officers and shall consist of 5 members, all of whom shall be legal residents of the municipality, serving staggered terms of 5 years. Initial appointments shall be for 1,2,3,4, and 5 years respectively. The Board shall elect annually a chairman from its membership. Minutes shall be kept of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be public record.

A quorum shall consist of 3 members.

b. A Municipal Officer may not serve as a member.

c. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

d. A member of the Board may be dismissed for cause by the Municipal Officers upon written charges and after public hearing.

(3) Powers and Duties of the Board of Appeals.

The Board of Appeals shall have the following powers:

(a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

(b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(4) Variance Appeals. Variances may be granted only under the following conditions:

(a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

(i) The proposed structure or use would meet the provisions of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

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

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

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

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

(d) Notwithstanding 6.8.2(4)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board 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 dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

(e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

(5) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may

receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(6) Appeal Procedure

(a) Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in 6.5B above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

c. An application fee of three hundred fifty dollars ($350.00).

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty (30) days of its receipt of a complete written application and fee, unless this time period is extended by the parties. The applicant shall also be responsible for any notification, filing and/or mailing costs required for the appeal or variance request.

(b) Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty (30) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

(7) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

(8) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision 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 being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

6.8.3 Special Exception Permits

(1) Authorization

The Planning Board is hereby authorized to hear and decide upon applications for special exception permits in accordance with state law and the provisions of this Ordinance.

(2) Powers and Duties: The Planning Board shall hear and approve with modifications or conditions, or disapprove all applications for special exception permits. No special exception permit shall be granted unless specific provision for such special exception is made in this Ordinance.

(3) Application Procedure

a. A person informed by the Code Enforcement Officer that he requires a special exception permit shall file an application for the permit with the Planning Board on forms provided for the purpose.

b. A non-refundable application fee of $250 shall be paid to the C.E.O. and a copy or a receipt for the same shall accompany each application, in addition all costs incurred by the Planning Board under Article 6, Section 6.8.3 subsection (3) paragraphs c. and e. shall be paid by the applicant. An additional fee may be charged if the C.E.O. and/or the Board of Appeals needs the assistance of a professional engineer or other expert. The experts fee shall be paid in full by the applicant within ten (10) days after the town submits a bill for payment Failure to pay the bill shall constitute a violation of the ordinance and be grounds for issuance of a stop work order. An expert shall not be hired at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision of the Code Enforcement Officer may appeal that decision to the Board of Appeals.

c. Before taking action on any application, the Planning Board shall hold a public hearing. The Board shall notify by certified mail, the owners of all property within five hundred (500) feet of the property involved, at least ten (10) days in advance of the hearing, of the nature of the application and of the time and place of the public hearing.

d. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.

e. Following the filing of an application, the Planning Board shall hold a public hearing on the application within thirty (30) days. The Planning Board shall notify the Code Enforcement officer, Municipal Officers, and the Board of

Appeals, at least twenty (20) days in advance, of the time and place of the hearing. Notice of the hearing shall be posted in the Town Office at least thirteen (13) days in advance of the Public hearing. The notice shall be published at least two (2) times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication shall be at least twelve (12) days before the hearing, and the date of the second publication must be at least seven (7) days before the hearing.

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

g. The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Planning Board all plans, photographs, or other material he deems appropriate for an understanding of the application.

h. The applicant's case shall be heard first, to maintain orderly procedure; each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.

i. Within thirty (30) days of the public hearing, or within such other time limit as may be mutually agreed to, the Planning Board shall reach a decision on a special exception and shall inform, in writing, the applicant, the Code Enforcement Officer and Municipal Officers of its decision.

j. Upon notification of the decision of the Planning Board the Code Enforcement Officer as instructed shall: immediately issue, issue with conditions prescribed by the Planning Board, or deny a building permit.

No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local Ordinance or regulation or any State law which the municipality is responsible for enforcing.

k. A special exception permit secured under the provision of this Ordinance by vote of the Planning Board shall expire if the work or change involved is not commenced within one (1) year of the date on which the special exception is granted, and if the work or change is not substantially complete within two (2) years of the date on which the special exception is granted. Permit extensions may be granted for commencement of the work or change, or for substantial completion.

l. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance

(4) Factors applicable to Special Exceptions

a. In passing upon a special exception permit the Planning Board shall evaluate the immediate and long-range effects of the proposed use upon:

1) The maintenance of safe and healthful conditions.

2) The prevention and control of water pollution and sedimentation

3) The control of building sites, placement of structures, and land uses.

4) The protection of spawning grounds, fish, aquatic life, bird, and other wildlife habitat.

5) The conservation of visual as well as actual points of access to inland and coastal waters, and natural beauty.

6) Archaeological historic resources as designated in the comprehensive plan.

7) Existing commercial fishing or maritime activities.

b. The Planning Board shall also consider the following factors:

1) The compatibility of the proposed use with adjacent land use.

2) The need of a particular location for the proposed use.

3) Access to the site from, existing or proposed roads.

4) The location of the site with respect to flood plains and floodways of rivers or streams.

5) The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.

6) The impact of the proposed use, on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.

7) Existing topographic and drainage features and vegetative cover on the site.

8) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.

9) The impact of the proposed use on transportation facilities.

10) The impact of the proposed use on local population and community facilities.

11) The impact of the proposed use on local water supplies.

12) The proposed use in conformance with Article 5, Performance standards,

(5) Conditions Attached to Special Exceptions

a. Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Violation of any of these conditions shall be a violation of this Ordinance. Such conditions may include, but not be limited to, specifications for type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; locations of parking and signs; type of construction; or any other conditions necessary to fulfill the purposes of this Ordinance.

b. In order to secure information upon which to base its determination, the Planning Board may require the applicant to furnish, in addition to the information required for a special exception permit, the following information:

1) A plan of the area showing contours at intervals to be determined by the Planning Board and referred to Mean Sea Level, high-water elevation, groundwater conditions, bedrock slope and vegetative cover.

2) A soils report identifying the soils boundaries and names in the proposed development with the soils information super-imposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification.

3) Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.

4) Plans of buildings, sewage disposal facilities, and water supply systems.

5) Other pertinent information necessary to determine if the proposed use meets the provisions of this Ordinance. In evaluating each application, the Planning Board may request the assistance of the Regional Planning Commission, County Soil and Water Conservation District and any other State or Federal agency which can provide technical assistance.

Appendix – Warrant Articles

Town Meeting – March 18, 1974 -- Adopted

Motioned to accept the article as written. Motion Passed.

Special Town Meeting – June 24, 2024
Article # 9 - Zoning Ordinance - Amendments for ADU
Article was Motioned and Passed

Shall the following Proposed Amendments to the "Zoning Ordinance of the Town of Franklin, ME be enacted?"

Note: New language is in *italics* and deleted language is struck though, ~~ie~~.

To read:
The following amendments are proposed to the existing ordinance entitled "Zoning Ordinance of the Town of Franklin, Me".

Section 1: Amend Section 1.4.5(A), Nonconforming Lots, by adding the following:
Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon without the need for a variance, provided that such lot is in separate ownership and 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. *An accessory dwelling unit (ADU) may be built on a non-conforming lot of record providing the ADU does not further increase non-conformity except in lot area, and all other provisions of this ordinance are met.* Variances relating to setback or other requirements not involving lot area or frontage shall be obtained by action of the Board of Appeals.

Section 2: Amend Section 3.2, Definitions, by adding the following:
Accessory Dwelling Unit: An "accessory dwelling unit" means a self-contained dwelling unit containing cooking, sleeping and toilet facilities, and containing no more than two bedrooms, and located within, attached to or detached from a single-family dwelling unit located on the same parcel of land, and having a floor area of no more than seven hundred-fifty (750) square feet or fifty percent (50%) of the floor area of the single family dwelling unit on the same parcel, whichever is less.

Section 3: Amend Section 3.2, Definitions, by adding the following:
Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes, but shall not include trailers, ~~and~~ recreational vehicles *and accessory dwelling units.*

Section 4: Amend Section 3.2, Definitions, by adding the following:

Multi-unit Residential: A residential structure containing three (3) or more residential dwelling units. *For the purposes of this definition, accessory dwelling units are not counted as residential dwelling units.*

Section 5: Amend Section 1.4.5(B), Contiguous Built Lots, by adding the following:
Contiguous Built Lots: ….

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance. *For the purposes of 1.4.5(B), a stand-alone ADU shall be considered a principle structure.*

Section 6: Amend 4.1.3(2), Permitted Uses- Residential, by adding the following:
(2) Residential
Single family dwelling, including single camp, tent or mobile home
Accessory dwelling unit
Two family dwelling
Home Occupations
Accessory uses and structures

Section 7: Amend 4.1.6, Dimensional Requirements, by adding the following:
(3) Accessory Dwelling Unit
Accessory dwelling units shall have a minimum floor area of 190 square feet. Accessory dwelling units shall have a maximum floor area of seven hundred-fifty (750) square feet or fifty percent (50%) of the floor area of the single-family dwelling unit on the same parcel, whichever is less.

-and renumbering the other sections in 4.1.6 for consistency.

Section 8: Amend Section 5.1(B) in Performance Standards, by adding the following:
(B) If more than one residential dwelling unit or more than one principal commercial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure, *except an accessory dwelling unit subordinate to a principle structure is exempt from additional lot area and lot frontage requirements. For additional accessory dwelling units on that parcel, all dimensional requirements shall be met for each addition accessory dwelling unit.*

Section 9: Amend Section 5.7(1), Two-Family Dwelling Units, to the following:
(1)Two-Family Dwelling Units

Lots for two family dwelling*s* shall meet all of the dimensional requirements for single family units, except that the lot area and ~~shoreline~~ *road* frontage shall be equal to that required for an equivalent number of single-family dwelling units.~~, and the road frontage shall exceed by fifty percent (50%) the requirement for an equivalent number of single-family dwelling units.~~

This section also corrects an error which occurred during the 2009 separation of Shoreland Zoning language from the General Zoning Ordinance, (i.e., ~~shoreline)~~.

Purpose: To amend the General Zoning Ordinance of the Town of Franklin, Maine to be consistent with the requirements of Title 30-A, §4301 & §4364-B, which require permitting of Accessory Dwelling Units.

The above proposed amendment was recommended by the Franklin Planning Board at the May 16, 2024 meeting, by a vote of six (6) in favor and zero (0) opposed.

Town Meeting – March 28, 2026
Article # 30 – General Zoning Ordinance
Article was Motioned and Passed

"Shall the document entitled 'Proposed Amendment to the 'General Zoning Ordinance of the Town of Franklin, ME', as posted with the warrant and made available for inspection at the Town Office, be enacted?"

Note: New language is in *italics* and deleted language is struck though, ~~ie~~.

To read:
The following amendments are proposed to the existing ordinance entitled "General Zoning Ordinance of the Town of Franklin, ME".

Section 1: Amend Section 6.4, Fee, by adding the following new language:

c. The application fee for an administrative or variance appeal shall be three-hundred fifty dollars ($350.00), for administration.

Section 2: Amend Section 6.8.2, Board of Appeals, subsection (6)(a)(ii) by adding the following new language:

c. An application fee of three hundred fifty dollars ($350.00).

Section 3: Amend Section 6.8.2, Board of Appeals, subsection (6)(a)(iv), Making an Appeal, by adding the following:

The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty (30) days of its receipt of a complete written application *and fee,* unless this time period is extended by the parties. *The applicant shall also be responsible for any notification, filing and/or mailing costs required for the appeal or variance request.*

Purpose: This article will assign an application fee for administrative and variance appeals as used within this ordinance to cover costs.

The above proposed amendments were recommended by the Franklin Planning Board at the 02/19/2026 meeting, by a vote of six (6) in favor and none (0) opposed.

The amendments for the years stated on page 2 are being researched and will be added to this document when complete.