

ZONING ORDINANCE OF
THE NORTHPORT VILLAGE CORPORATION

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ZONING ORDINANCE OF THE NORTHPORT VILLAGE CORPORATION

ARTICLE I - GENERAL

1.1 Short Title

This Ordinance shall be known and may be cited as the Zoning Ordinance of the Northport Village Corporation, Northport, Maine, and will be referred to herein as this Ordinance.

1.2 Purpose

- (1) To promote the public health, safety, convenience, comfort, aesthetics, prosperity and general welfare of the inhabitants of the Village.
- (2) To protect the character and maintain the stability of the several herein described districts that comprise the Northport Village Corporation, and to encourage land use development according to the established character of the Village.
- (3) To encourage safety from fire, explosion, noxious fumes and other such hazards, and to segregate and control nuisance producing uses.
- (4) To prevent and control water pollution, protect spawning grounds, fish, aquatic life, bird and other wildlife habitat, and conserve shore cover, visual as well as points of access to inland and coastal waters and natural beauty.
- (5) To establish districts of such number, area and designation as are deemed best suited to carry out the purpose of this Ordinance.
- (6) To establish Performance Standards and to define the powers and duties of the administrative officers and bodies, as provided hereinafter.

1.3 Authority

This ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A. (Maine Revised Statutes Annotated) section 3001, et seq. and the Charter of the Northport Village Corporation, Private and Special Laws 1915, ch. 136, as amended by P& S L., 1919, ch. 46 and P& S L., 1957, ch. 155. The Town of Northport has duly adopted its comprehensive plan in May 2000 and the Village, therefore, in accordance with its land use authority has the power and authority to adopt land use regulations consistent with that comprehensive plan. 30-A M.R.S.A. § 6303.

1.4 Availability

A certified copy of this ordinance shall be filed with the Village 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 the availability of this ordinance shall be posted.

1.5 Basic Requirements

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and uses of premises in the Northport Village Corporation shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the District in which building, structure, land or water area is located.

1.6 Non-conforming Uses and Structures

Citizen's Note: Non-conformance shall not be considered illegal or unacceptable. Non-conformance means lots of record, structures, or uses that are grandfathered because they were in conformance with the standards in effect prior to the effective date of this ordinance. The concerned party is encouraged to read through this ordinance and contact a village official should a question arise.

1.6.1 Continuance of Non-Conforming Uses

- (1) The use of land, buildings or structure, lawful at the time of adoption or subsequent amendment of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance.
- (2) A non-conforming building or structure may be repaired, maintained, or improved, but the area in a non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Board of Appeals, and that the completed foundation does not extend beyond the exterior dimensions of the structure and that the foundation does not cause the structure to be elevated more than three (3) additional feet.
- (3) A non-conforming use may not be expanded or moved.

1.6.2 Discontinuance of Non-Conforming Uses

A non-conforming use which is discontinued for a period of one year may not be resumed. The uses of the land, building, or structure shall thereafter conform to the provisions of this Ordinance.

1.6.3 Restoration of Non-Conforming Structures

In accordance with §1.6.1(2), if a non-conforming use, building, or structure is damaged by fire, explosion, flood, riot, act of God, or accident of any kind, it may be restored following application to and review by the Board of Appeals under the following criteria:

- (1) The Board of Appeals shall grant permission for the restoration of a non-conforming use, building or structure as above referenced if the restoration is essentially the same size, location, height and architectural appearance and character and use as formerly appeared.

1.6.4 Expansion of Non-Conforming Structures

A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as for a new structure, if such addition or expansion does not increase the non-conformity of the structure. For the purposes of this ordinance, an increase to the non-conformity of the structure shall mean:

- (1) any expansion towards a property line that decreases the shortest existing non-conforming setback distance from the property line; or
- (2) any expansion that would cause the structure to exceed the lot coverage requirements of the basic requirements of each district; or
- (3) any expansion that would cause the structure to exceed the height limits applicable to the structure or the existing height of the preexisting structure, whichever is less. Notwithstanding the foregoing, as set forth in section 1.6.1(2) above construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Board of Appeals, and that the completed foundation does not extend beyond the exterior dimensions of the structure and that the foundation does not cause the structure to be elevated more than three (3) additional feet.

1.6.5 Transfer of Ownership

Ownership of land and structures which remain lawful, but become non-conforming by the adoption or amendment of this Ordinance may be transferred and the new owner may continue the non-conforming uses subject to the provisions of this Ordinance.

1.6.6 Restoration of Unsafe Property

- (1) Nothing in this Ordinance shall prevent the strengthening or restoration to safe condition of any part of any building or structure declared unsafe by the Code Enforcement Officer.
- (2) Nothing in this Ordinance shall prevent any changes in a non-conforming use or structure as Federal, State, or local building and safety codes may require.

1.6.7 Non-Conforming Lots of Record

- (1) A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area or width requirements, or both, of the District in which it is located, may be built upon provided that such lot shall be in separate ownership and that it is not contiguous with any other lot in the same ownership, and that all other provisions of this Ordinance shall be met, except lot size, frontage, and setback. Variance of yard or other requirements, and not involving area or width, shall be obtained only by action of the Board of Appeals.
- (2) If two or more contiguous lots or parcels are in single ownership of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, the lands involved shall be considered to be a single parcel for the purposes of this Ordinance and no portion of said parcel shall be built upon or sold which does not meet dimensional requirements of this Ordinance; nor shall any division of the parcel be made which creates any dimension or area below the requirements of this Ordinance. Because two or more contiguous lots or parcels in single ownership of record shall be considered to be a single parcel, the Board of Overseers will endeavor to secure the issuance of one tax bill for each combined lot.
- (3) If two or more principal structures exist on a single lot of record on the effective date of this ordinance, each may be sold as a separate lot. When such lots are divided, each lot thus created must be as conforming as possible to the dimensions required of this Ordinance.

1.7 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.

1.8 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 more restrictive provision shall control, unless state law provides otherwise.

1.9 Amendment

(1) An amendment of this Ordinance may be initiated by:

- (a) the Board of Appeals, provided a majority of the Board has so voted,
- (b) vote of the Board of Overseers or,
- (c) written petition of 25 registered voters of the Northport Village Corporation.

(2) An amendment of this Ordinance may be adopted by:

- (a) majority vote of the Board of Overseers if the proposed amendment is recommended by the Board of Appeals, or
- (b) 2/3 majority vote of the Board of Overseers, or
- (c) majority vote of the registered voters at an annual meeting of the Village.

(3) In either case, the Northport Village Corporation shall hold a public hearing in accordance with the requirements of 30-A M.R.S.A. § 4352(9) and provide notice of said public hearing posted in accordance and simultaneous with the notice requirement by 30-A M.R.S.A. §4352(9).

No proposed change in this Ordinance which has been unfavorably acted upon by the Board of Overseers shall be considered on its merits by the Board of Overseers within two years of the date of such unfavorable action unless the adoption of the proposed change is recommended by the Board of Appeals, or 2/3 majority vote of the registered voters of the Northport Village Corporation at the annual meeting.

1.11 Effective Date

The effective date of this Ordinance is 30 days after adoption.

1.12 Shoreland Use Ordinance

The Town of Northport Shoreland Use Ordinance of 1991, together with any amendments thereto, applies within the territorial limits of the Northport Village

Corporation only to the extent that land within the Village lies within the Town's Shoreland Zone.

Citizen's Note: The Town of Northport is the enforcement authority for the Shoreland Use Ordinance. Any questions or permission sought pertaining to that Ordinance should be directed to the Town.

ARTICLE 2 - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

2.1 Construction of Language

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

The word "person" indicates 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" shall 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 the 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 Webster's New Collegiate Dictionary (latest edition) meaning.

2.2 Definitions For the purpose of interpreting this Ordinance, the following words, phrases and terms shall have the meaning given therein.

Accessory Use or Structure: a permitted use or structure of a nature customarily incidental and subordinate to those of the principal use or structure including (but not limited to) a garage, tool shed, greenhouse or dog house. Permitted accessory use does not include, but is not limited to, swimming pools, chicken houses or structures for domestic animals other than dogs, workshops, fish and bait houses and the like which may be conditional uses. The Board of Appeals shall determine what constitutes a permitted accessory use of structure in case of dispute between the Code Enforcement Officer and the land owner.

Bed and Breakfast: an owner occupied dwelling structure in which no more than 5 rooms for sleeping accommodations are made available for a fee to transient guests. A morning meal (but no others) may be provided to said guests.

Billboard: a structure, either freestanding or attached to a building, the surface of which is available for hire for advertising purposes.

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

Building Height: the vertical distance between the highest point of the roof and average grade of the ground adjoining to the building, except that utility structures, such as chimneys, shall not be included in this measurement.

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

Code Enforcement Officer: a person appointed by the Town of Northport to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector and the like where applicable.

Conditional Use: a use permitted only after review and approval of the Board of Appeals. A Conditional use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance, would promote the purposes of this Ordinance. Such use may be permitted if specific provision of such Conditional Use is made in this Ordinance.

Conditional Use Permit: a permit authorized by the Board of Appeals for a Conditional Use. A Conditional Use Permit may be issued only after the applicant has followed the procedures of this Ordinance.

District: a specified portion of the Village, delineated on the Official Zoning Maps, within which certain regulations and requirements or various combinations thereof apply under provisions of this Ordinance.

Dwelling: a fixed structure, containing a room or group of rooms designed and equipped for use as a living quarters for only one family, including provisions for living, sleeping, cooking with one kitchen and eating with one kitchen. The term shall not be deemed to include hotel, motel, rooming house, tent, or yurt

Family Daycare Home: a facility serving up to six (6) individuals (child daycare, adult daycare, or both) either on a regular or non-recurring basis and classified as a home occupation if it is located in the operator's residence.

Family: one or more persons occupying a premises and living as a single housekeeping unit, not to exceed four persons unrelated by blood or marriage.

Floor Area, Gross: The sum, in square feet, of the floor areas of all roofed portions of a building as measured from the interior faces of the exterior walls.

Grade: a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building at a point six (6) feet from the building.

Home Occupation: an occupation or profession which is: customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; conforms with the following conditions:

- (1) The occupation or profession shall be carried on wholly within the principal building.
- (2) Not more than two persons outside the family shall be employed in the home occupation.
- (3) There shall be no exterior display, no exterior sign (except as expressly permitted by the district regulations of this chapter), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- (4) No nuisance shall be generated, including but not necessarily limited to offensive noise, vibration, smoke, dust, odors, heat, glare, traffic or parking.
- (5) The home occupation shall not use more than 20% of the total floor area of the residential structure.
- (6) The following are examples of permitted uses under this definition:
 - (a) Office of doctor, dentist, lawyer, engineer, or member of similar recognized profession;
 - (b) Office of teacher or musician;
 - (c) Office of real estate broker or salesman or insurance agent;
 - (d) Use of premises for dressmaking or millinery;
 - (e) Family daycare.
- (7) The following uses are specifically prohibited:
 - (a) Tourist camps, cabins, motels, hotels and mobile home parks;
 - (b) Restaurants or other public eating places.

Lot: A parcel of land in single ownership, described on a deed, plot or similar legal document.

Lot Area: The total horizontal area within the lot lines.

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

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Waldo County Registry of Deeds.

Mobile Home: A structure designed as a dwelling unit for a location on a 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 450 square feet of gross floor area. The definition of mobile home shall include manufactured or modular housing constructed and installed in accordance with Housing and Urban Development standards. Manufactured or modular housings constructed and installed in accordance with BOCA standards shall not be included in the definition of Mobile Home.

Mobile Home Park: A plot of land laid out to accommodate at least 2 mobile homes.

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

Non-conforming 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.

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.

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 designated principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land.

Principal Building: The building in which the principal use of the lot is conducted.

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

Recreational Vehicle: A vehicle or vehicular attachment designated for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick- up camper, travel trailer, tent trailer, and motor home.

Sign: 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 business on the premises.

Structure: Anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground.

Variance: A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where, because of conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or 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. A variance is not justified unless both elements are present in the case.

As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District.

Citizens Note: The subdivision of land is governed by Maine State Law. Reference should be made to 30-A M.R.S.A. (Maine Revised Statutes Annotated) § 4401 for guidelines and restrictions which apply to that. In general, the division of a tract or parcel of land into three (3) or more lots within any five (5) year period is deemed to be a subdivision.

ARTICLE 3 - ZONING DISTRICTS

3.1 Zoning Districts

To implement the provisions of this Ordinance, the Northport Village Corporation is hereby divided into the following three Districts:

(1) Residential 1 District (R-1)

(a) R-1 shall consist of the land shown on the official zoning map entitled, "Zoning Map of the Northport Village Corporation", except that that area

formerly shown as in R-1 now part of the Historic District shown in Map 2, is no longer part of R-1.

- (2) Residential 2 District (R-2)
- (3) General Purpose District (GP-1)
- (4) The Bayside Historic District shown on Map #2, attached hereto and incorporated herein.

3.2 Location of Districts

Said Districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of the Northport Village Corporation, Northport, Maine", dated January 28, 1978 and on file at the office of the Village Clerk, and as recorded at the Waldo County Registry of Deeds, except as modified by Map 2, which removes from R-1 that land shown as lying in the Historic District. A copy of said map is attached hereto as Map #1.

3.3 Uncertainty of Boundary Location

Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets and highways shall be construed to follow such center lines;
- (2) Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following village limits shall be construed as following village limits;
- (4) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline;
- (5) Boundaries indicated as being parallel to or extensions of features indicated in subsections (1) through (4) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and
- (6) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) through (5) above, the Board of Appeals shall interpret the District boundaries.

Citizen’s Note: Map 1 shows for illustrative purposes only the boundaries of the Northport Shoreland Zone. Citizens should consult with the Town of Northport Code Enforcement Officer to determine the actual location of that boundary.

3.4 Division of Lots by District Boundaries

- (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 not more than 50 feet into the more restricted portion of the lot, subject to the following provision:
- (2) Extensions of use shall be considered a Conditional Use, subject to approval of the Board of Appeals and in accordance with the criterion set forth in the paragraph entitled Factors Applicable to Conditional Uses of Article 6.

ARTICLE 4 - LAND USE DISTRICT REQUIREMENTS

4.1 Residential 1 District (R-1)

4.1.1 Purpose

- (1) To provide for the public health and safety, environmental quality, and economic well-being of the community.
- (2) To stabilize and protect the essential historic characteristics of certain high density residential areas located in or near the central part of the Village, which was formerly the Northport Wesleyan Grove Camp Meeting Association, and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life.
- (3) To provide for residential growth in such a manner and at such locations as are compatible with existing development and the ability of the community to provide essential services and utilities.
- (4) To provide areas for public and semi-public uses compatible with and necessary to residential development.

4.1.2 Basic Requirements

- (1) Permitted Uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A Plumbing Permit, an Electrical Permit, and a Building and/or Use Permit shall be required for all buildings, uses, and sanitary facilities, according to the provisions of Article 6 of this Ordinance.
- (2) Buildings erected, constructed, reconstructed, moved or structurally altered, whether for permitted or conditional uses, shall comply with the requirements of Article 5 of this Ordinance and the following requirements:
 - (a) The minimum size lot without access to sanitary sewers shall be 20,000 square feet.
 - (b) On lots with access to sanitary sewers, no structure shall be less than 10 feet from a property line nor less than 15 feet from a building on adjacent property.
 - (c) No building shall exceed 35 feet in height, exclusive of chimneys or ventilators.
 - (d) The minimum lot size with access to sanitary sewers shall be 10,000 square feet, with 75 feet of road frontage.
 - (e) The total lot coverage of all structures within R-1 shall not exceed 20% of the lot including land area previously developed.

4.1.3 Permitted Uses

The following uses are permitted in the Residential 1 District (R-1)

- (1) Single family dwelling, not including single tent, recreational vehicle or mobile home.
 - (a) Use of the structure by seasonal, weekly, or monthly tenants using the premises as a single-family dwelling is permitted.
- (2) Home occupations, subject to the requirements of Article 5.
- (3) Accessory uses and structures on the same lot and customarily incidental and subordinate to the permitted use, provided they are set back from the boundaries a distance no less than one (1) time the structure's height, but in any event, no less than the minimum setback for principal structures.
- (4) Gravel pit or earthmoving business operations related to filling, grading or other earth-moving activity operated in accordance with State laws, and involving the removal or fill of less than 10 cubic yards of material from or into any lot in any one year, or the removal of filling or transfer of material

incidental to construction, alteration or repair of a public way or essential service.

(5) Signs, subject to the requirements of Article 5.

4.1.4 Conditional Uses

- (1) Upon the authorization of a Permit issued by the Code Enforcement Officer, limited use of a recreational vehicle may be permitted for a period not to exceed 10 days by a guest or family member, provided said motor home or travel trailer is parked entirely within the lot lines of the lot visited by the motor home or travel trailer and provided the occupants of said recreational vehicle have access to the sanitary facilities of the lot so visited.
- (2) The following uses may be allowed only upon the authorization of a Conditional Use Permit by the Board of Appeals, in accordance with the provisions of Article 6.
 - (a) Convenience type retail stores having no more than 1200 square feet of gross floor area and employing no more than two full time employees, but excluding restaurants, auto service stations or repair garages.
 - (b) Accessory uses and structures.
 - (c) Utilities, including sewage collection and treatment facilities.
 - (d) Timber Harvesting
 - (e) An accessory building, such as a garage, may be built on a nearby lot of record that is separated from the primary property by a public or private road or way.
 - (f) Swimming Pools - A minimum lot size of 40,000 square feet is required for consideration of a Conditional Use Permit for construction of a swimming pool. Specifications set out in the BOCA Basic Building Code - 1981, section 627 - SWIMMING POOLS and American Public Health Association Regulations, Section D-21 FENCES AND ENCLOSURES -, shall be met. For purposes of this Ordinance minimum setbacks of twenty feet from rear or side property lines and of fifty feet from front property line shall apply to the fence surrounding the pool area.
 - (g) Bed and Breakfast.

4.1.5 Omitted Uses

Uses which are not specifically allowed as Permitted Uses or Conditional Uses are prohibited.

4.2 Residential 2 District: (R-2)

4.2.1 Purpose

- (1) To provide for the public health and safety, environmental quality, and economic well-being of the community.
- (2) To provide areas for medium density residential growth in such a manner and at such locations as are compatible with existing development and the ability of the community to provide essential services and utilities.
- (3) To provide areas for public and semi-public uses compatible with and necessary to residential development.

4.2.2 Basic Requirements

- (1) Permitted Uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A Plumbing Permit, an Electrical Permit, and a Building and/or Use Permit shall be required for all buildings, uses, and sanitary facilities, according to Article 6 of this Ordinance.
- (2) Buildings erected, constructed, reconstructed, moved or structurally altered, whether permitted or conditional uses, shall comply with the requirements of Article 5 of this Ordinance and the following requirements:
 - (a) The minimum lot size shall be 20,000 square feet.
 - (b) The minimum road frontage shall be 100 feet.
 - (c) The minimum front setback shall be 50 feet, the side setback 10 feet and the rear setback 20 feet.
 - (d) The total lot coverage of all structures within R-2 shall not exceed 20% of the lot including land area previously developed.
 - (e) No building shall exceed 35 feet in height, excluding chimneys and ventilators.

4.2.3 Permitted Uses

- (1) Single family dwelling or mobile home, not including tent or recreational vehicle.
 - (a) Use of the structure by seasonal, weekly, or monthly tenants using the premises as a single-family dwelling is permitted.
- (2) Home occupations, subject to the requirements of Article 5.

- (3) Churches and nursing homes
- (4) Accessory uses and structures on the same lot and customarily incidental to and subordinate to the permitted uses, provided they are set back from the boundaries a distance no less than one (1) time the structure's height, but in any event, no less than the minimum setback for principal structures.
- (5) Gravel pit or earthmoving business operations related to filling, grading or other earth-moving activity operated in accordance with State Law, and involving the removal of fill of less than 10 cubic yards of material incidental to construction, alteration or repair of a building or in grading and landscaping incidental thereto, or the removal, filling or transfer of materials incidental to construction, alteration or repair of a public way or essential service.
- (6) Signs, subject to the requirements of Article 5.

4.2.4 Conditional Uses

- (1) Upon the authorization of a Permit issued by the Code Enforcement Officer, limited use of a recreational vehicle may be permitted for a period not to exceed 10 days by a guest or family member, provided said motor home or travel trailer is parked entirely within the lot lines of the lot visited by the motor home or travel trailer and provided the occupants of said recreational vehicle have access to the sanitary facilities of the lot so visited.
- (2) Timber Harvesting.
- (3) Mobile Home Park.
- (4) Commercial or industrial facilities having less than 2,500 square feet of gross floor area and less than 40,000 square feet of lot area and employing no more than 4 full-time employees but excluding auto service stations or repair garages.
- (5) Accessory uses and structures.
- (6) Utilities, including sewage collection and treatment facilities.
- (7) Inns and restaurants.

- (8) An accessory building such as a garage, may be built on a nearby lot of record that is separated from the primary property by a public or private road or way.
- (9) Bed and Breakfast.
- (10) Swimming Pools NVC - SP-A minimum lot size of 40,000 square feet is required for consideration of a Conditional Use Permit for construction of a swimming pool. Specifications set out in the BOCA Basic Building Code 1981, Section 627 - SWIMMING POOLS - and FENCES AND ENCLOSURES -, shall be met. For the purpose of this Ordinance minimum set backs of twenty feet from rear or side property lines and of fifty feet from front property line shall apply to the fence surrounding the pool area.

4.2.5 Omitted Uses

Uses which are not specifically allowed as Permitted Uses or Conditional Uses are prohibited.

4.3 General Purpose District (GP-1)

4.3.1 Purpose

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

4.3.2 Basic Requirements

- (1) Permitted Uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A Plumbing Permit, an Electrical Permit, and a Building or Use Permit shall be required for all buildings, uses, and sanitary facilities, according to the provisions of Article 6 of this Ordinance.
- (2) Buildings erected, constructed, reconstructed, moved or structurally altered, whether or permitted or conditional uses, shall comply with the requirements of Article 5 of this Ordinance and the following requirements:
 - (a) The minimum lot size shall be 20,000 square feet.
 - (b) The minimum road frontage shall be 100 feet.

- (c) The minimum front setback shall be 50 feet, the side setback 10 feet and the rear setback 20 feet.
- (d) The maximum lot coverage shall be 20%.
- (e) No building shall exceed 35 feet in height, excluding chimneys and ventilators.

4.3.3 Permitted Uses

- (1) Open space use.
- (2) Agriculture and gardening.
- (3) Sale of produce and plants.
- (4) Timber harvesting.
- (5) Single family dwelling, including tent, recreational vehicle or mobile home.
 - (a) Use of the structure by seasonal, weekly, or monthly tenants using the premises as a single-family dwelling is permitted.
- (6) Home occupations subject to the requirements of Article 5.
- (7) Facilities having less than 2,500 square feet of gross floor area and less than 40,000 square feet of lot area and employing more than 6 full-time employees, but excluding auto service stations or repair garages.
- (8) Gravel pit or earthmoving business operations related to filling, grading or other earth-moving activity operated in accordance with State Laws, and involving the removal or fill of less than 10 cubic yards of material from or onto any lot in any one year, or the removal or fill of material incidental to construction, alteration or repair of a building or in grading and landscaping incidental thereto, or the removal, filling or transfer of material incidental to construction, alteration or repair of a public way or essential service.
- (9) Signs, subject to the requirements of Article 5.

4.3.4 Conditional Uses

The following uses may be allowed only upon authorization of a Conditional Use Permit by the Board of Appeals, in accordance with the provisions of Article 6.

- (1) Campgrounds.

- (2) Planned unit development.
- (3) Mobile home park.
- (4) Commercial and industrial facilities not meeting the criteria for Permitted Use.
- (5) Filling, grading, lagooning, dredging, or other earth-moving activity, including extractive uses such as gravel pits, quarries, mines and dredging operations.
- (6) Accessory uses and structures.
- (7) Utilities, including sewage collection and treatment facilities.
- (8) Inns and restaurants
- (9) An accessory building, such as a garage, may be built on a nearby lot of record that is separated from the property by a public or private road or way.
- (10) Bed and breakfast.

4.3.5 Omitted Uses

Uses which are not specifically allowed as Permitted Uses or Conditional Uses are prohibited.

4.4 Shoreland Zoning District

Citizen's Note: The Town of Northport is the enforcement authority for the Shoreland Use Ordinance. Any questions or permission sought pertaining to that Ordinance should be directed to the Town.

4.5 Historic District

4.5.1 Purpose

The portion of the Village shown on Map #2, Bayside Historic District, has been designated a National Historic District. The Historic District is created to:

- (1) Stabilize and protect the essential historic characteristics of this district and to promote and encourage preservation of the structures in that district.

4.5.2 Basic Requirements

- (1) Permitted Uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A Plumbing Permit, an Electrical Permit, and a Building and/or Use Permit shall be required for all buildings, uses, and sanitary facilities, according to the provisions of Article 6 of this Ordinance.
- (2) Buildings erected, constructed, reconstructed, moved or structurally altered, whether for permitted or conditional uses, shall comply with the requirements of Article 5 of this Ordinance and the following requirements:
 - (a) The minimum size lot without access to sanitary sewers shall be 20,000 square feet.
 - (b) On lots with access to sanitary sewers, no structure shall be less than 6 feet from a property line nor less than 8 feet from a building on adjacent property.
 - (c) No building shall exceed 35 feet in height, exclusive of chimneys or ventilators.
 - (d) The minimum lot size with access to sanitary sewers shall be 2,500 square feet, with 50 feet of road frontage.
 - (e) The total area of all structures within the Historic District shall not exceed the following lot coverage percentages, including land area previously developed:
 - (i) lots equal to or less than 2,500 square feet, 45%.
 - (ii) lots equal to or less than 5,000 square feet, but more than 2,500 square feet, 35%, but in any event, can begin at 1,125 sq. ft. of lot coverage;
 - (iii) lots greater than 5,000 square feet, 20%, but in any event, can begin at 1,750 sq. ft. of lot coverage.

4.5.3 Permitted Uses

The following uses are permitted in the Historic District.

- (1) Single family dwelling, not including single tent, recreational vehicle or mobile home.
 - (a) Use of the structure by seasonal, weekly, or monthly tenants using the premises as a single-family dwelling is permitted.
- (2) Home occupations, subject to the requirements of Article 5.
- (3) Accessory uses and structures on the same lot and customarily incidental and subordinate to the permitted use, provided they are set back from the

boundaries a distance not less than one (1) time the structure's height, but in any event, not less than the minimum setback for principal structures.

(4) Signs, subject to the requirements of Article 5.

4.5.4 Conditional Uses

- (1) Upon the authorization of a Permit issued by the Code Enforcement Officer, limited use of a recreational vehicle may be permitted for a period not to exceed 10 days by a guest or family member, provided said motor home or travel trailer is parked entirely within the lot lines of the lot visited by the motor home or travel trailer and provided the occupants of said recreational vehicle have access to the sanitary facilities of the lot so visited.
- (2) The following uses may be allowed only upon the authorization of a Conditional Use Permit by the Board of Appeals, in accordance with the provisions of Article 6.
 - (a) Utilities, including sewage collection and treatment facilities.
 - (b) An accessory building, such as a garage, may be built on a nearby lot of record that is separated from the primary property by a public or private road or way.
 - (c) Swimming Pools - NVC-SP. A minimum lot size of 40,000 square feet is required for consideration of a Conditional Use Permit for construction of a swimming pool. Specifications set out in the BOCA Basic Building Code - 1981, section 627 - SWIMMING POOLS and American Public Health Association Regulations, Section D-21 FENCES AND ENCLOSURES -, shall be met. For purposes of this Ordinance minimum set backs of twenty feet from rear or side property lines and of fifty feet from front property line shall apply to the fence surrounding the pool area.
 - (d) Bed and Breakfast.
- (3) The restoration of historic buildings, "society cottages", in the Historic District to their original size, height, footprint, and other exterior characteristics shall be permitted after review by the Board of Appeals provided that the application can provide accurate evidence of the original size, height, and details. Such application shall only be permitted if, in the opinion of the Board, the applicant is attempting a historic replication. The Board may attach special conditions as appropriate to ensure the same. Such restoration shall not be deemed to be a permission to resume the historic use. In order to resume the historic use, the conditions and requirement of a home occupation or commercial use must be met.

4.5.5 Omitted Uses

Uses which are not specifically allowed as Permitted Uses or Conditional Uses are prohibited.

ARTICLE 5 - PERFORMANCE STANDARDS

5.1 Accessory Buildings

No garage or other accessory building shall be located in a front yard. When located to the rear of the main building, the accessory building shall be set back a distance not less than one (1) time the building's height, but in any event, not less than the minimum setback for principal structures.

5.2 Agriculture

- (1) All spreading or disposal of manure shall be accomplished in conformance with the Maine Standards of Manure and Manure Sludge Disposal on Land, published by the University of Maine and Maine Soil Conservation Commission.
- (2) Agricultural practices shall be conducted to minimize soil erosion, sedimentation, contamination, and nutrient enrichment of ground and surface waters.
- (3) Agricultural practices not in conformance with these standards may be allowed by Conditional Use Permit.

5.3 Boathouses

Citizen's Note: Any Boathouses sought be constructed near the water and in the shoreland zone may be subject to restrictions set forth in the Northport Shoreland Use Ordinance.

5.4 Campgrounds

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

- (1) Recreational vehicle, tent or shelter areas containing approved water carried sewage facilities shall meet the following requirements:
 - (a) Each camp site shall contain a minimum of 2,500 square feet, excluding roads and driveways.

- (b) A minimum of 200 square feet of off-street parking shall be provided for each camp site.
 - (c) Each camp site shall be provided with a picnic table, fireplace and trash receptacle.
- (2) The area intended for the placement of the recreational vehicle, tent or shelter and utility service buildings, shall be set back a minimum of 100 feet from the exterior lot lines of the camping area.
- (3) All campgrounds shall be screened by a continuous landscaped area containing evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier not less than 6 feet high shall be located on all exterior lot lines of the park, except where driveways shall be kept open to provide visibility for vehicles entering or leaving the campground.

5.5 Elevation of Buildings Above Flood Level

All buildings shall have their lowest floor and their heating, electrical, septic tank, filter field and other vital utility facilities constructed at an elevation not less than two feet above the level of the Regional Flood. In addition, the ground level surrounding buildings shall be raised to an elevation not less than one foot above the Regional Flood. Such fill shall extend for a minimum horizontal distance of 15 feet from the outer surface of the building walls. Maximum depth of fill shall not exceed three feet.

5.6 Filling, Grading, Lagooning, Dredging, or Other Earth-Moving Activity

5.6.1 General

Filling, grading, lagooning, dredging, and other earth-moving business activity which would result in erosion, sedimentation, or impairment of water quality or fish and aquatic life is prohibited.

5.6.2 Earth Moving Requiring a Conditional Use Permit

Application for a Conditional Use Permit from the Board of Appeals for excavation, processing and storage of soil, loam, sand, gravel, rock and other natural deposits shall be made in accordance to the provisions of Article 6 of this Ordinance and the following requirements:

- (a) The application shall be accompanied by a plan prepared by a Registered Land Surveyor or Registered Professional Engineer.
- (b) The applicant shall submit written approval from the Department of Marine Resources and Fisheries or Inland Fisheries and Game, as applicable, prior to consideration by the Board of Appeals.

- (c) The applicant shall submit written approval from the appropriate Soil and Water Conservation District prior to consideration by the Board of Appeals.

5.6.3 Surety and Terms of Permits

No permit shall be issued without a bond or other security to insure compliance with such conditions as the Board of Appeals may impose. No permit shall be issued for a period to exceed three years, although such permit may be renewed for additional periods in the same manner.

5.6.4 Existing Operations

Any operation involving the excavation, processing or storage of soil, earth, loam, sand, gravel, rock or other mineral deposits in lawful operation at the time of this Ordinance becomes effective may operate for a period of three years from the effective date. Discontinuance of any existing operation for a period of more than one year shall require application for a new permit. Continuation of any existing operation for more than three years shall require a permit from the Board of Appeals.

5.7 Home Occupations

- (1) Home occupations shall be carried on wholly within the principal building or within a building or other structure accessory to it.
- (2) No more than two persons outside the family shall be employed in the home occupation.
- (3) There shall be no exterior display, no exterior sign (except as permitted by the provisions of this Ordinance), no exterior storage of materials, lobster gear or equipment of any kind and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- (4) No nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation shall be generated.
- (5) Adequate parking on the premises shall be available for the employees, customers, clients, or vendors of the business.

5.8 Mobile Homes and Mobile Home Parks

5.8.1 Mobile Homes not in a Mobile Home Park

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

5.8.2 Mobile Home Parks

Mobile home parks shall meet State requirements for mobile home parks and all of the following;

- (a) Mobile home parks shall meet all requirements for a residential subdivision, and shall conform to all applicable State Laws and local ordinances.
- (b) Lots in a mobile home park shall meet all of the dimensional and area requirements for single family dwellings for the District in which the park is situated.
- (c) No mobile home shall be placed within 35 feet of any other mobile home.
- (d) All mobile homes shall be connected to a water supply and a sanitary sewer system, in accordance with sanitary provisions of this Ordinance.
- (e) No permanent additions other than factory-built units of similar construction to the original unit shall be permitted without approval of the Board of Appeals.
- (f) A continuous landscaped area containing evergreen shrubs, trees, fences, walls or a combination which forms an effective visual barrier of not less than 6 feet in height shall be located on all exterior lot lines of the park, except where driveways shall be kept open to provide visibility for vehicles entering or leaving the park.

5.9 Planned Unit Development

5.9.1 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.

5.9.2 Basic Requirements

Planned unit development shall meet all of the following:

- (a) All requirements for a residential subdivision shall be met.
- (b) Ten acres shall be the minimum area in the development.
- (c) Any lot abutting a public road shall have a frontage and area no less than normally required in the District. On other than public roads, lot area may be reduced to not less than 10,000 square feet and road frontage to a minimum of 75 feet. The frontage on lots abutting a circular turnaround may be reduced to 50 feet, provided that the minimum lot width at the face of the building shall be 75 feet.

- (d) The total area of common land within the development shall equal or exceed the sum of the areas by which building lots are reduced below the minimum lot area normally required in the District.
- (e) Every building lot that is reduced in area below the amount normally required shall abut such common land for a distance of at least 50 feet.
- (f) 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 condition, or by the Northport Village Corporation.
- (g) 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 non-commercial recreational or conservation uses may be erected on common land.
- (h) All dwelling units in a planned unit development shall be connected to a common water supply and sanitary sewer system, in accordance with sanitary provisions of this Ordinance.
- (i) Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development.

5.10 Sanitary Provisions

Citizen's Note: To add fixtures or to link to the Northport Village Water or Wastewater Systems, the Utility Department of the Village should be consulted for fees and connection costs.

5.10.1 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.

5.10.2 Connection to Public Facilities

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

5.10.3 Subsurface Sewage Disposal

Any subsurface sewage disposal system shall be in compliance with all requirements of the State Plumbing Code.

5.10.4 Other Systems

Other systems of sanitary waste disposal shall be subject to review and approval of the Maine Department of Environmental Protection and/or the Maine Department of Health and Welfare.

5.11 Signs and Billboards

5.11.1 General

Billboards are prohibited in all districts in the Northport Village Corporation. The following provisions shall apply to signs in all Districts.

5.11.2 Size, Location and Illumination

No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or to interfere with any authorized traffic sign, signal, or device or otherwise constitute a hazard to pedestrian or vehicular traffic. Flashing, moving, or animated signs are prohibited. No sign shall be located within three feet of a street line or other lot line and shall not exceed 20 feet in height.

- (a) Name signs shall be permitted, provided such signs shall not exceed two square feet in area and shall not exceed two signs per dwelling.
- (b) Residential users may display a single sign, not over three feet in area relating to yard sales or to the sale, rental or lease of the premises.
- (c) Signs relating to trespassing and hunting shall be permitted.

5.12 Timber Harvesting

The following standards shall govern timber harvesting.

5.12.1 Harvesting Operations

- (a) Harvesting operations shall be conducted in such a manner that a well distributed stand of trees is retained.
- (b) Harvesting activities shall not create single openings greater than 7,500 square feet in the forest canopy.
- (c) In any stand, harvesting shall remove not more than 40% of the volume of trees 6 inches in diameter, or larger, measured 4 2 feet above the ground level in any 10 year period. Removal of trees less than 6 inches in diameter, measured as above, is permitted in conformance with all other provisions of this section.
- (d) Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.

5.12.2 Slash

No significant accumulation of slash shall be left within 50 feet of the normal high water elevation of water bodies. At distances greater than 50 feet, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground.

5.12.3 Roads

No roads requiring earthmoving, cut or fill shall be constructed.

5.13 Vegetative Cutting

In all Districts, clearing of trees and conversion to other vegetation is allowed for approved construction and landscaping. Clearing for agriculture shall conform to the standards for agriculture of this Ordinance. Where such clearing extends to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the normal high water line) may be created in the strip extending 50 feet inland from the normal high water elevation and paralleling the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation that is equally effective in retarding erosion and preserving natural beauty.

5.14 Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated 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 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 be harmful to human, animal, plant or aquatic life.

5.15 Bed and Breakfast

A bed and breakfast may be approved by the Board of Appeals provided that the applicant demonstrates by a preponderance of the evidence that the following criteria have been or will be met, to wit:

- (1) the applicant must clearly demonstrate that an adequate water supply has been established that will provide sufficient water for the cooking, bathing, cleaning and other reasonably anticipated water requirements of the bed and breakfast facility as proposed, as well as the established dwelling structure.

- (2) the applicant must clearly demonstrate that a subsurface wastewater disposal system can be installed in full compliance with the State of Maine Wastewater disposal rules, as from time to time amended. Such system shall be installed and approved in conformance with said rules prior to undertaking a bed and breakfast use of the premises.
- (3) On-premises, off street parking shall be provided as follows:
 - (a) Two spaces for the owner/owners of the bed and breakfast establishment.
 - (b) One space for each room offered or to be offered for a fee.
 - (c) A parking space shall be 20 feet by 9 feet.
- (4) The applicant shall also clearly demonstrate that the criteria set forth in Section 6.10 can be met in the establishment and operation of an bed and breakfast use as applied for. Conditions may be attached as set forth in Section 6.10 (5).

ARTICLE 6 - ADMINISTRATION

6.1 Enforcement

The provisions of this Ordinance shall be administered and enforced by a Code Enforcement Officer.

6.2 Application for Building Permit

- (1) It shall be unlawful to start any work for the purpose of construction, alteration or removal of any building unless a building permit has been issued in conformance with this Ordinance.
- (2) Within 15 business days of the filing of an application for a building permit for the construction, alteration or removal of any building, the Code Enforcement Officer shall approve or deny all such applications.
- (3) All applications for Building Permits shall be submitted in writing, in duplicate, and signed by the lot owner of record, to the Code Enforcement Officer and shall include a site plan, accurately drawn to a suitable scale, showing:
 - (a) The size, shape and location of the lot to be built upon.
 - (b) The size, shape, height and location of the building to be erected, altered, or removed on the lot, together with any other buildings on the lot.
 - (c) Setback lines of any buildings on adjoining lots.
 - (d) Any other information needed by the Code Enforcement Officer or Board of Appeals to determine whether or not the provisions of this Ordinance are being observed.

- (4) One copy of the application and plans shall be returned to the applicant by the Code Enforcement Officer marked approved or disapproved. The second copy of the application and plans shall be retained by the Code Enforcement Officer and shall be kept on file as a permanent public record.
- (5) If no significant progress of construction has been made within one year, beginning with the date the permit was issued, the permit shall expire.

6.3 Permits Required

- (1) No Building Permit shall be issued for any structure involving the construction, installation or alteration of sanitary plumbing facilities unless a valid Plumbing Permit has been secured from the Plumbing Inspector of the Town of Northport.
- (2) No Building Permit shall be issued for any structure involved in the installation of wiring or electricity unless a valid Electrical Permit has been secured from the Town of Northport.

6.4 Fee

No Building Permit shall be issued without payment of a fee as set by the Town of Northport.

6.5 Enforcement

- (1) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.
- (2) If the Code Enforcement Officer shall find that any provisions 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.

6.6 Legal Action and Violation

When the Code Enforcement Officer finds that a violation of any provision of this Ordinance persists in spite of attempted enforcement, the Village Attorney (as designated by the Board of Overseers) is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate and necessary to enforce the provisions of this Ordinance in the name of the Village.

6.7 Penalties for Violation

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and on conviction shall be fined not less than \$20.00 nor more than \$100.00. Each day such a violation is permitted to exist after notification shall constitute a separate offense. All fines shall be collected by the Village and shall inure to the benefit of the Village.

6.8 Appeals

Appeals shall be from the written 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.

6.9 Board of Appeals

6.9.1 Establishment

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

6.9.2 Appointments and Composition

- (a) There shall be a Board of Appeals consisting of five members and one associate member, all of whom shall be registered voters of the Village, appointed by the Board of Overseers of the Northport Village Corporation. The board shall elect annually a chairman and secretary from its membership. The secretary shall keep minutes of the proceedings of the Board of Appeals, which shall be a public record. A quorum shall consist of three members.
- (b) The term of members shall be that the term of one member shall expire each year.
- (c) The term of the associate member shall be for five years. The associate member shall act on the Board in place of any member who may be unable to act because of personal involvement, absence or physical incapacity.
- (d) An Officer or Overseer of the Northport Village Corporation may not serve as a member.

6.9.3 Powers and Duties

- (a) Administrative Appeals: to hear and decide where it is alleged there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer in the enforcement of this Ordinance. The action of the Code Enforcement Officer may be affirmed, modified or reversed by majority of the Board of Appeals.

- (b) Variance Appeals: to hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, because of conditions peculiar to the property a literal enforcement of this Ordinance would prevent reasonable use of property. A financial hardship shall not constitute grounds for granting a variance. The crucial points are undue hardship and unique circumstances applying to the property, and not the result of the actions of the applicant.
- (c) As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards and open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District. The Board of Appeals may grant a variance by majority vote of its members and in so doing, may prescribe conditions and safeguards as appropriate under this Ordinance.

6.9.4 Appeal Procedure

- (a) A person, aggrieved by a decision of the Code Enforcement Officer, shall commence his appeal within 30 days after a decision is made by the Code Enforcement Officer. A written appeal shall be filed with the Board of Appeals which shall specifically set forth the grounds for the appeal.
- (b) Following the filing of an appeal, the Board of Appeals shall hold a public hearing on the appeal within 60 days. The Board of Appeals shall publish notice of the hearing at least 20 days in advance, in a newspaper of general circulation in Waldo County.
- (c) The Board of Appeals shall notify, by certified mail, the appellant and adjacent property owners, of the nature of the appeal and of the time and place of the public hearing, at least 20 days in advance of the hearing. Adjacent property owners shall include those directly across a street from the property for which the appeal is being made. 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 Board of Appeals.
- (d) A party may be represented by agent or attorney at any hearing. Hearings shall not be continued to other times except for good cause.
- (e) The Code Enforcement Officer, or his designated assistant, shall attend all hearings.

- (f) The appellant's case shall be heard first. 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.
- (g) Within 40 days of the public hearing, the Board of Appeals shall reach a decision and notify the appellant and the Code Enforcement Officer of its decision in writing.
- (h) The Code Enforcement Officer shall immediately issue a Building Permit in accordance with the conditions of the approval of an appeal.
- (i) A variance under the provisions of this Ordinance shall expire if the work or change involved is not commenced within one year of the date on which the appeal was granted.

6.10 Conditional Use Permits

6.10.1 Authorization

The Board of Appeals is hereby authorized to hear and decide upon applications for Conditional Use Permits, in accordance with State law and the provisions of this Ordinance.

6.10.2 Powers and Duties

The Board of Appeals shall hear and approve, approve with modifications or conditions, or disapprove all applications for Conditional Use Permits. No Conditional Use Permit shall be authorized unless specific provision for such Conditional Use Permit is made in this Ordinance.

6.10.3 Application Procedure

- (a) A person informed by the Code Enforcement Officer that he requires a Conditional Use Permit shall file an application, in writing, for the permit with the Board of Appeals.
- (b) Following the filing of an application for a Conditional Use Permit the same procedure shall be followed as included under 6.9, (4), items (b) through and including (g).
- (c) Upon notification of the decision of the Board of Appeals, the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the Board of Appeals, or deny a Building Permit for the Conditional Use, or a Conditional Use Permit.
- (d) A Conditional Use Permit secured under the provisions of this Ordinance shall expire if the work or change involved is not commenced within one year of the date on which the Conditional Use is authorized.

6.10.4 Factors Applicable to Conditional Uses

- (a) In considering a Conditional Use Permit, the Board of Appeals shall evaluate the immediate and long-range effects of the proposed use, giving due consideration to promoting the public health, safety, convenience, and welfare, encouraging the most appropriate use of the land and conserving property values.
- (b) The Board of Appeals shall also consider the following factors:
 - 1) The prevention and control of air and water pollution.
 - 2) The compatibility of the proposed use with adjacent land uses.
 - 3) The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.
 - 4) The proposed use on the peace and tranquility of the neighborhood.

6.10.5 Conditions Attached to Conditional Uses

The Board of Appeals may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation; increased yard and setback requirements; specified sewage disposal or water supply facilities; landscaping and planting screens; periods of operation; operational controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; location of parking areas and signs; type of construction; or any other conditions necessary to fulfill the purposes of this Ordinance.

ATTESTATION

I certify that this to be a true and complete copy of the Zoning Ordinance of the Northport

Village Corporation, Northport, Maine, enacted _____ day of November 2005.

ATTEST:

Clerk,
Northport Village

Corporation

Date