

ORIGINAL

The Land Use Ordinance of the Town of Island Falls Amended 2023



Adopted by the Residents on: 12 | 13 | 2023

Select Board Members

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Island Falls: A historic community with a distinctive heritage growing into modern times.

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Definitions:

The following definitions shall apply to the *Land Use Ordinance of the Town of Island Falls*. In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance, their ordinarily accepted meaning, or as defined herein. In the case of any difference of meaning or implication between the text of the Ordinance, illustration, or table, the text shall control.

- A. The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.
- C. The word "shall" is mandatory, the word "may" is permissive.

- D. The word "lot" includes the words "plot" and "parcel".
- E. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- F. The word "Town" shall mean the Town of Island Falls, Maine.
- G. The word "CEO" shall mean the Code Enforcement Officer for the Town of Island Falls.
- H. The term "this Ordinance" shall mean the Land Use Ordinance of the Town of Island Falls.

Section 1 Legal Status Provisions.

1. Purposes.

The purposes of this Ordinance are to:

- A. Protect the health, safety, and general welfare of the residents;
- B. Maintain the Town's historic culture, distinctive heritage, and permit the Town to grow into modern times;
- C. Encourage appropriate use of land throughout the Town;
- D. Promote traffic safety;
- E. Provide safety from fire and other elements;
- F. Prevent overcrowding of real estate;
- G. Prevent housing development in unsuitable areas;
- H. Provide an allotment of land area in new developments sufficient for all the requirements of community life;
- I. Conserve natural resources and Town character;
- J. Provide for adequate public services as an integral part of a comprehensive plan for community development;
- K. Protect archaeological and historic resources, freshwater wetlands, fish spawning grounds, aquatic life, bird and other wildlife habitat, and buildings and lands from flooding and accelerated erosion;
- L. Conserve shore cover, natural beauty, open space, and visual access and points of access to inland waters;
- M. Prevent and control water pollution; and
- N. Assure new development meets the goals and conforms to the policies of the Comprehensive Plan.

2. Authority.

This Ordinance has been adopted in accordance with the provisions of Article VIII-A of the Maine Constitution; the provisions of MRSA Title 30-A, Sections 3001 (Home Rule) and 4401 et seq. (Subdivisions); and the State's Growth Management Law MRSA Title 30-A, Section 4311 et seq.; as may be amended.
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3. Title.

This Ordinance shall be known and may be cited as "*The Land Use Ordinance of the Town of Island Falls*" and shall include reference to the Zoning Ordinance, Shoreland Zoning Ordinance, Subdivision Review Ordinance, Well Head Protection Ordinance, Junkyards - Automobile Graveyard, and Trash Ordinance, Solar Energy Systems Ordinance, Medical Marijuana Ordinance as well as pertinent MRSA articles and provisions and other ordinances passed by the Town of Island Falls.

4. Applicability.

The provisions of this Ordinance shall govern all land, buildings, and structures within the boundaries of the Town of Island Falls.

5. Effective Date.

This Ordinance shall take effect and be in force from the date of its adoption by the Town's legislative body.

6. Conflict with Other Laws.

Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rule, regulation, ordinance, or resolution, the most restrictive or that imposing the higher standards shall govern.

7. Severability.

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

8. Availability.

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public during normal business hours. 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.

9. Administration and Enforcement.

This Ordinance shall be administered by the Planning Board or the Code Enforcement Officer, as indicated within, and shall be enforced by the Code Enforcement Officer.

Section 2 Zoning Ordinance.

Note: Properties adjacent to the Mattawamkeag River, Fish Stream, Mattawamkeag Lake, and Pleasant Pond are regulated through the *Shoreland Zoning Ordinance*.

1. Title.

This Section shall be known and may be cited as "*The Zoning Ordinance of the Town of Island Falls*".

2. Official Zoning Map.

Districts are located and bounded as shown on the Official Zoning Map which is made a part of this Ordinance. There may, for purpose of clarity, necessitate by reasons of scale on the map, be more than one Official Zoning Map. The minimum scale for the Official Zoning Map shall be no less than 1 inch = 2000 feet.

A. Certification of the Official Zoning Map.

a) The Official Zoning Map shall be identified by the signature of the Chair of the Selectboard, attested by the Town Clerk, and bearing the seal of the Town under the following words:

"This is to certify that this is the Official Zoning Map of the Zoning Ordinance of the Town of Island Falls, Maine" Date:

b) The Official Zoning Map shall be located in the Town office.

B. Changes on the Official Zoning Map.

a) If, in accordance with the provisions of this Ordinance and Title 30A MRSA §4503, changes are made in District boundaries or other matter portrayed on the Official Zoning Map, changes to the map shall be made within fourteen (14) days after the amendment has been approved by Town Meeting. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until signed by the Chair of the Selectboard and attested by the Town Clerk. In addition, the following wording shall be reflected on the Official Zoning Map:

"On _____ by official action of the Town, the following change(s) was (were) made: (insert brief description of the nature of change)." Immediately beneath the entry the Town Clerk shall place their signature.

- b) No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change shall be considered a violation of this Ordinance and punishable as provided for within this Ordinance.

C. Replacement of the Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Meeting shall adopt a new Official Zoning Map.

3. Establishment of Zoning Districts.

For the purpose of this Ordinance, the Town of Island Falls is divided into the following Districts as shown on the Zoning Map filed with the Register of Deeds and the Town Clerk and dated July 9, 1974:

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- (1) Resource Protection Districts (Prot) : Includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values.
- (2) Limited Residential Districts (Res): Includes those areas suitable for residential and recreational development.
- (3) Agriculture Districts (Agr): Includes those areas suitable for farming of commercial crops, livestock, and forest.
- (4) Limited Commercial Districts (Comm): Includes areas of mixed, light commercial, and residential uses, which should not be developed as intensively as the General Development Districts.
- (5) General Development Districts (Ind): Includes the following types of intensively developed areas;
 - i. Areas of two or more contiguous acres devoted to commercial, industrial, or intensive recreational activities (or a mix of such activities).
 - ii. Areas otherwise discernable as having patterns of commercial, industrial, or recreational uses.
- (6) Commercial/Residential District (CoRes): area is defined in the Downtown Area, which will we mixed use for commercial and residential

A. Rules Governing District Boundaries.

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

- a) Boundaries indicated as approximately following the center lines of roads, highways, alleys, railroad rights-of-way, rivers, or streams shall be construed to follow such center lines.
- b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c) Boundaries indicated as approximately following Town limits shall be construed as following such limits.
- d) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
- e) Sources for the delineation of the Special Flood Hazard areas shall be the Island Falls Flood Insurance Rate Map.
- f) Boundaries indicated as parallel to or extensions of features indicated in subsections A through C above shall be construed as being parallel to or extensions of such features. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- g) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the District boundaries.

B. Lots Divided by District Boundaries.

When a lot of record is divided by a use District zoning boundary, the regulations applicable to the least restricted portion of the lot may be extended into the more restricted portion of the lot, but not more than fifty (50) feet; provided that the minimum side and rear yard setbacks and any buffering requirements for nonresidential uses shall be met.

4. District Regulations.

A. Basic Requirement.

Permitted uses in Districts shall conform to all applicable specifications and requirements. A “*Notification of Construction*” must be filed with the Town Office to notify the CEO and Planning Board of the proposed construction activity. A Plumbing Permit, Land Use Permit, and/or Certificate of Occupancy shall be required for all buildings, uses of land and buildings, and sanitary facilities, according to the provisions of this Ordinance.

B. Land Use Requirements.

Except as hereinafter specified, no building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or altered and no new lot shall be created unless in conformity with all of the regulations herein specified for the District in which it is located.

C. District Regulations.

Land uses in conformance with the provisions of this Ordinance are shown in the following table below.

Definitions:

Prot – Resource Protection Zoning District (there is no development in the Protection Zone)

Res – Limited Residential Zoning District

Agr – Agricultural Zoning District

Comm – Limited Commercial Zoning District

Ind – General Development Zoning District

CoRes – Commercial/Residential Mixed Use

CEO – item requires review, permitting and approval by the Code Enforcement Officer (CEO)

PB – item requires review and approval by the Planning Board (PB) after permitting and recommendation by CEO

NO – prohibited use

D. Well Head Protection Zone, Shoreland Zone, and Island Falls Flood Plane

Restrictions applicable to construction and use of properties within the Well Head Protection Zone, Shoreland Zoning, and Island Falls Flood Plane are covered under their respective separate documents.

Section 3 General Requirements.

The following General Requirements are applicable to land use activities within the Town. These standards are intended to clarify plan requirements and provide guidance. In reviewing a proposed development, the CEO or Planning Board, whomever conducts the review, shall review the application for conformance to the applicable standards and make findings of fact for each prior to approval of the final plan. The burden of proof of conformance to an applicable standard is with the applicant, who shall provide clear and convincing evidence that the final plan meets the standard.

1. Apartments Accessory to Non-Residential Uses.

The Planning Board may allow up to two (2) residential dwelling units in a non-residential structure provided the following are met:

A. The residential dwelling units shall be clearly incidental to the principal non-residential use of the building.

- B. Each dwelling unit shall be provided with a private, outdoor yard space (400-500 square feet minimum per dwelling unit) adjacent to each unit.
- C. Each dwelling unit shall be provided two (2) off-road parking spaces separate from any customer parking.
- D. Subsurface wastewater disposal shall be provided that complies with the *State of Maine Subsurface Wastewater Disposal Rules*. Must connect to public sewer system if/when the system is available based on the ordinance.
- E. Each dwelling unit shall have access to and use of a minimum of 400 cubic feet of private storage space within the individual dwelling unit or in common storage facilities.
- F. No access to a residential dwelling unit shall be via the non-residential space.
- G. The non-residential use of the building should not be a nuisance to the dwelling unit(s).
- H. All applicable provisions of the National Life Safety Code shall be enforced.

2. Bed and Breakfast.

- A. All applicable state and federal regulations for bed and breakfast establishments and all other relevant standards of this Ordinance shall be observed.
- B. Must connect to public sewer system if/when the system is available in accordance to the ordinance.

3. Buffers and Screening.

- A. On Commercial and Industrial properties abutting residential uses, a landscaped buffer strip of no less than fifteen (15) feet in width and six (6) feet in height shall be provided to minimize the visual impact of adverse characteristics decided by the Planning Board such as, but not limited to, storage areas, loading areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and to protect abutting residential properties from the intrusion of noise, light, and exhaust fumes from such non-residential buildings and uses. The buffer areas shall be maintained and vegetation replaced to ensure continuous year round screening.
- B. Where no natural vegetation or berms can be maintained, or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges, or combinations thereof.
- C. Any abutting residential property shall be effectively screened by a continuous landscaped area no less than six (6) feet in height along lot lines adjacent to the residential properties, except that driveways shall be kept open to provide visibility for entering and leaving.
- D. Where a potential safety hazard to small children would exist, physical screening / barriers shall be used to deter entry to such premises.
- E. There shall be no paving, parking, or structures located in the buffer area.
- F. The CEO or Planning Board may allow a buffer area of less width when site conditions, such as natural features, vegetation, topography, or site improvements, such as additional landscaping, berming, fencing, or low walls, make a lesser area adequate to achieve the purposes of this Ordinance.

4. Campground and/or Recreational Vehicle Park.

A campground and/or recreational vehicle (RV) park shall conform to the minimum requirements imposed under State licensing procedures of (10-144A CMR 205) "*Tent and Recreational Vehicle Parks...*" and the following (in case of possible conflict, the stricter rule shall apply). For the purposes of this Section "RV" shall include: travel RV, pick-up coach, motorhome, camping trailer, dependent RV, and self-contained RV.

5. Dimensional Requirements.

All proposed land uses, lots and structures shall meet or exceed the following minimum dimensional requirements or the District in which the proposed use, lot or structure is located.

Dimensional Requirements Table:

	Res	Agr	Comm	Ind
Minimum Road Frontage				
Without Sanitary Sewer	200'	200'	40'	40'
With Sanitary Sewer	200'	200'	40'	40'
Minimum Yard Dimensions				
Front Setback (edge of road to building)	15'	15'	8'	8'
Side Setback - Principal Building	15'	15'	5'	5'
Side Setback - Accessory Building	15'	15'	5'	5'
Rear Setback - Principal Building	15'	15'	15'	15'

Rear Setback - Accessory Building	15'	10'	10'	10'
Visibility At Corner Lots				
Visibility Measured Along the Intersection Road Lines	25'	25'	25'	25'
Minimum Lot Size – newly created	1 acre	1 acre		

6. Easements for Natural Drainage Ways.

Where a development is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all storm water can be disposed of properly, and provided proper permitting has been approved.

7. Erosion and Sedimentation Control.

- A. The procedures outlined in an erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
- B. All earth changes shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest period of time possible.
- C. The proposed development shall prevent sediment caused by accelerated soil erosion from entering water bodies, freshwater wetlands, and adjacent properties.
- D. Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the development site shall be designed to limit the water flow to a non-erosive velocity.
- E. Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fifteen (15) calendar days after final grading has been completed. When it is not possible or practical to permanently stabilize disturbed land, temporary erosion control measures shall be implemented within thirty (30) calendar days of the exposure of soil.
- F. Topsoil shall be considered part of the development and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
- G. When vegetative cover shall be established as a temporary or permanent erosion control measure:
 - a) Plant species to be used and the seeding rates shall take into account soil, slope, climate, duration, and use of the vegetative cover.
 - b) Mulch shall be provided at rates appropriate to ensure a minimum of soil and seed loss until an acceptable "catch" of seed is obtained.
 - c) Reseeding shall be done within a reasonable period of time if there is not an acceptable "catch".
- H. All development plans shall incorporate building designs and road layouts that fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

8. Exterior Lighting.

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

- A. The maximum height of free standing lights shall not exceed forty (40) feet.
- B. The Planning Board shall determine the necessity for lighting of parking areas.
- C. Exterior lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or to the traveling public.

9. Home Occupations.

Definition: An occupation or profession which is conducted in a dwelling unit or in a building or other structure accessory to the dwelling unit. Conducted by member(s) of the family residing in the dwelling unit and employee(s) and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Home Occupations shall be of two (2) types: Home Occupation 1 and Home Occupations 2. After reviewing the application, the Code Enforcement Officer shall determine the type of home occupation. The review of the request shall be determined by the Code Enforcement Officer and Planning Board, and the request will be forwarded either to the landowners within 300 feet or by notifying three consecutive landowners (whichever is greater) on all sides of the proposed home occupation. The cost of notifying the abutters will be borne by the applicant. If the Code Enforcement Officer and Planning Board receives no written and signed objections within 14 days, a permit will be issued. If there are objections it shall be addressed at a public hearing by the Planning Board of Appeals.

Home Occupation 1

If the home occupation conducted on the property is determined by the CEO and Planning Board to be "Home Occupation 1", it will be considered "non-intrusive" and deemed to have no additional impact on the neighborhood. The required permit will be issued.

Home Occupation 2

A Home Occupation 2 is intrusive, with external indications that a home occupation is being conducted on the property, and has additional impacts on the neighborhood. This request automatically shall be reviewed at a public hearing by the Planning Board. The request will be forwarded either to the landowners within 300 feet or by notifying three consecutive landowners (whichever is greater on all sides of the proposed home occupation.) The cost of notifying the abutters will be borne by the applicant. There will be a fee charged for the notifications.

- A. The use of a dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.
- B. There shall be no change in the outside appearance of the building or premise that shall cause the premise to differ from its residential character by use of color, materials, constructions, lighting, sound, or noises.
- C. Exterior storage of materials, such as, but not limited to, trash and any other exterior evidence of home occupation shall be located and screened so as not to detract from the residential character of the principal building.
- D. In all Districts, only one non-flashing sign of no greater than six (6) square feet shall be permitted. The sign may be affixed to the dwelling or accessory structure or erected on the lawn. The sign must be setback 20 feet from the paved portion of the right-of-way and no higher than 6 feet.
- E. The following requirements shall be satisfactorily demonstrated to the CEO before a permit is issued.
 - a) The home occupation may employ at least one (1) but not more than three (3) persons other than resident family members.
 - b) The home occupation shall be carried on wholly within the principal or accessory structure.
 - c) The home occupation shall not occupy more than 35 percent of the total floor area of the principal structure or 50% of one accessory structure.
 - d) Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be permitted.
 - e) Parking requirements: two (2) parking spaces for the dwelling; one (1) parking space per working employee for a maximum of two (2) parking spaces; and one (1) parking space for every 300 square feet of business floor space or fraction thereof. Parking spaces must be 10'X 20' and the applicant must show on the application where the parking spaces will be located.
 - f) No traffic shall be generated by such home occupation in a volume greater than that in a residential area during peak hours.
 - g) The operation of the home occupation shall be limited to 8:00 a.m. to 7:00 p.m. and to those items which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, and to items which are accessory and incidental to a service which is provided on the premises.
 - h) The home occupation shall not use utilities beyond that normal for residential properties.
 - i) The home occupation shall not involve the use of heavy commercial vehicles (not more than 3 axles) for daily delivery from or to the premises.
- F. Should all of the above conditions not be maintained on a continual basis once the permit has been issued, the Planning Board shall review the permit and its conditions for approval to determine if the permit shall be rescinded.
- G. All other applicable standards of the Ordinance shall also be observed.

10. Kennels and Veterinary Hospitals.

- A. Structures or pens for housing or containing the animals shall be located not less than one hundred (100) feet from any residential property line existing at the time of the permit.
- B. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties.
- C. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times.
- D. Temporary storage containers for any kennel, or veterinary wastes containing or including animal excrement, shall be kept tightly covered at all times.
- E. If an incineration device is to be installed by the applicant, the applicant shall provide evidence that they have obtained approval from the Maine Department of Environmental Protection.
- F. No owner of animals or operator of a kennel shall allow any animals to create objectionable noise disturbance, odors, or other nuisances.
- G. All other relevant standards of this Ordinance shall also be observed.

11. Life Safety

- A. This subsection shall be known as the LIFE SAFETY CODE, NFPA 101 (most current edition) may be cited as such.
- B. The purpose is to establish minimum requirements that will provide a reasonable degree of safety from fire and similar emergencies in buildings and structures. This subsection endeavors to avoid requirements that might involve unreasonable hardships or unnecessary inconvenience or interference with the normal use and occupancy of a building, but insists upon compliance with a minimum standard for fire safety consistent with the public interest.
- C. This subsection applies to new construction, renovations, and alterations.
- D. The Fire Marshal or his designees, duly appointed fire chiefs or their designees, and municipal building inspectors and code enforcement may enforce the requirements of this subsection.
- F. A new porch no greater than 4 feet by 5 feet, handicapped ramp, or other life safety device can be constructed on dwelling units without need of a variance. No grandfathering status is implied.

12. Motorized Vehicles.

- A. Except for farm equipment in use, no motorized vehicle that is not currently or properly registered or which is unserviceable, discarded, worn out, or junked; or motorized vehicle bodies, parts, or engines shall be gathered together or parked within the yard of any property, except when the vehicle is within a garage or other structure.
- B. No motorized vehicle, or parts thereof, shall be displayed or offered for sale, trade, or lease upon any residential property for a period not to exceed ninety (90) days, in aggregate, in a calendar year.

13. Multi-Family Dwellings.

- A. Multi-family development may be allowed by the granting of subdivision approval by the Planning Board.
- B. Dimensional requirements for all multi-family development shall meet or exceed the following:
 - a) Within the area regulated by Title 38 MRSA Section 435 et seq., (Mandatory Shoreland Zoning Act) lot area and shore frontage shall be equal to that required for the equivalent number of single-family dwelling units.
 - b) Lot size shall equal or exceed one (1) acre for the first three units and for each additional unit in excess of three per structure. When calculating the number of units, the following shall be subtracted from the lot size prior to calculating the number of units:
 - 1. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.
 - 2. Portions of the lot shown to be in a floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.
 - 3. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage, or subsoil conditions such as, but not limited to:
 - 1) Slopes greater than 33%
 - 2) Organic soils
 - 3) Floodplain soils, and
 - 4) 50% of the poorly drained soils unless the applicant can demonstrate specific engineering techniques to overcome the limitations to the satisfaction of the Planning Board.
 - 4. Portions of the lot subject to rights-of-way.
 - 5. Portions of the lot located in a Resource Protection zone.
 - 6. Portions of the lot covered by surface waters.
 - 7. Portions of the lot utilized for storm water management facilities.

- c) Road frontage for five (5) units or less shall be not less than the required frontage. Road frontage for more than five (5) units shall be not less than twice the required frontage.
- C. It shall be the responsibility of the owner to provide for storage areas for solid waste disposal and/or recyclables pick-up, snow removal, and site maintenance. All outdoor storage areas for waste or recyclable collection shall be enclosed by a wooden or masonry screen at least six (6) feet in height.
- D. A 15 foot landscaped or natural vegetative buffer shall be provided and maintained along all property boundaries.
- E. No building shall be constructed on soil classified as being "very poorly drained".
- F. Access, Circulation, and Parking
 - a) The proposed development shall provide for safe access to and from public or private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight-distances, intersections, schools, and other traffic-generators. All corner lots shall be kept clear from visual obstructions.
 - b) The proposed development shall not have an unreasonable adverse impact on the public road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate off-road parking and turn-around areas.
- G. Recreation and Open Space. All multi-family developments of five (5) dwelling units or more shall provide a play area no smaller than 5,000 SF. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.

14. Rear Lots.

Rear lots may be developed for any use if they are or can be provided with a right-of-way, which complies with the following provisions:

- A. The right-of-way must be conveyed by deed recorded in the Aroostook County Registry of Deeds to the owner of the rear lot and shall be a minimum of fifty (50) feet in width.
- B. A legal description of the right-of-way by metes and bounds shall be attached to any land use permit application for construction on the rear lot.
- C. Except for lots recorded on the effective date of this Ordinance, the right-of-way deed must be recorded in the Aroostook County Registry of Deeds at the time the rear lot is first deeded out as a separate parcel.
- D. Creation of the right-of-way to serve the rear lot shall not create a non-conforming front lot by reducing such lot's required road frontage below the minimum, or, if the front lot is already non-conforming with respect to road frontage, reduce its road frontage at all.
- E. The sale or lease of additional lots or the construction of an additional building or buildings served by the right-of-way shall be considered in the same manner and under the same restrictions and requirements as if such division or construction were a subdivision.
- F. Each principal building on a back lot shall be located within an area large enough to hold a circle with a minimum diameter equal to the required road frontage.
- G. A lot of record which could otherwise be legally built upon, but which is served by a right-of-way which does not comply, herein, may nevertheless be used for a single-family dwelling with CEO approval.

15. Temporary Garages and Shelters in the Village Area

- A. All temporary garages, storage shelters, and unregistered storage trailers (remaining longer than 120 days) require a permit issued by the CEO. A temporary garage or shelter is one designed to be moved and made of plastic, vinyl, felt, canvas or other materials.
- B. All temporary garages, shelters, and unregistered storage trailers must meet the setback requirements for accessory structures.

16. Signs

Title 23 M.R.S. ss1913-A prohibits within any public way, including both state and local roads, the placement of any signs on traffic control signs or devices, public utility poles or fixtures, rotary traffic islands, trees in public right of way, a control access area, or a median less than six feet wide. The law also prohibits painting or drawing signs on rock or other natural features.

Section 4 Non-Conformance.

1. General.

- A. Continuance, Enlargement, and Reconstruction: Any non-conforming use, non-conforming lot of record, or non-conforming structure may continue to exist, but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.
- B. Transfer of Ownership: Non-conforming structures, non-conforming lots of record, and non-conforming uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- C. Restoration or Replacement: This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures; repairs, renovations, or modernizations which do not involve expansion of the non-conforming use or structure and the value of which is less than 50 percent of the market value of the structure before the repair is started; and such other changes in a non-conforming use or structure as Federal, State, or local building and safety codes may require. Any non-conforming use or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or their agent, may be restored or reconstructed within eighteen months (18) of the date of said damage or destruction, provided that:
 - a) The non-conforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces. In the case of a reconstructed structure, the setback requirement must be met to the greatest practical extent as determined by the Planning Board;
 - b) Any non-conforming structure shall not be enlarged except in conformity with this Ordinance and the "*State of Maine Subsurface Wastewater Disposal Rules*"; and
 - c) Any non-conforming use shall not be expanded in area.
 - d) Nothing in this Section shall prevent the demolition of the remains of any building so damaged or destroyed.
- D. Essential Service: Nothing within this Section shall restrict the extension, reconstruction, enlargement, or structural alteration of essential services. All plans for the extension, reconstruction, enlargement, or structural alteration of essential services shall be reviewed by the Planning Board.
- E. Shoreland Areas: In designated shoreland areas, any non-conformance shall be required to meet the standards for that non-conformance contained in the Island Falls Shoreland Zoning Ordinance.

2. Non-Conforming Use.

- A. Resumption Prohibited: A lot, building, or structure in or on which a non-conforming use is discontinued for a period exceeding eighteen months (18), or which is superseded by a conforming use, may not again be devoted to a non-conforming use, even if the owner has not intended to abandon the use.
- B. A Structure Non-Conforming as to Use: Except for single-family dwellings, a building or structure non-conforming as to use shall not be enlarged unless the non-conforming use is terminated. Except in a Resource Protection District of the Island Falls Shoreland Zoning Ordinance, single family dwellings, which are non-conforming uses, may be enlarged as long as the dimensional requirements of the District in which they are located are met. A non-conforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use non-conforming.
- C. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the District than the existing non-conforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the Planning Board. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The General Requirements contained within Section 3 of this Ordinance shall apply to such requests to establish new non-conforming uses.
- D. Use of Land: A non-conforming use of land may not be extended into any part of the remainder of a lot of land. A non-conforming use of land which is accessory to a non-conforming use of a building shall be discontinued at the same time the non-conforming use of the building is discontinued. In the case of earth removal operations, the removal of earth may not be extended as a non-conforming use beyond the required setback lines of the specific lot upon which such operations were in progress when such use became non-conforming, as required by the performance standards for extractive industries. Adjacent lots in the same or different ownership shall not be eligible for exemption under the non-conforming use provisions unless earth removal operations were in progress on these lots before these provisions were enacted. The provision of required off-street parking for an existing non-conforming use shall not be considered the expansion of the use.

3. Non-Conforming Structures.

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

- A. Enlargements Controlled: Any non-conforming portion of a structure shall not be added to or enlarged.
 - a) Exclusive of the Shoreland Zoning Ordinance which regulates expansions of structures in Shoreland Districts (see: Island Falls Shoreland Zoning Ordinance), the addition of an open patio with no structures elevated above ground level shall not constitute the expansion of a non-conforming structure. The addition of steps or the enclosure of an existing deck shall not constitute the expansion of a non-conforming structure. But, the addition of a deck shall constitute the expansion of a non-conforming structure and shall meet all the dimensional requirements of this Ordinance.
 - b) The placing of a foundation below a lawfully existing non-conforming structure shall not constitute the expansion of the structure so long as the first floor space of the structure is not increased.
 - c) Construction or expansion of a foundation under an existing dwelling which expands habitable space shall be considered an expansion and shall be subject to the applicable provisions of the "State of Maine Subsurface Wastewater Disposal Rules".
- B. Discontinuance: Discontinuance of the use of a legally existing non-conforming structure for more than 365 days shall constitute abandonment of the structure. Conforming use of the structure may be commenced at any time.
- C. Lack of Required Parking or Loading Space: A building or structure which is non-conforming as to the requirements for off-street parking and/or loading space shall not be enlarged, added to, or altered unless off-street parking and/or loading space is provided to bring parking and/or loading space into conformance with the requirements of this Ordinance for both the addition or alteration and for the original building or structure, or a variance is obtained.
- D. Non-Conforming Dwelling: A non-conforming dwelling unit, which is less than the required setback from the property line(s), may be expanded for residential uses only to the limit of the existing intersecting building lines, after providing a sketch plan to and obtaining a permit from the Planning Board; provided that the new expansion does not cause the maximum building lot coverage and/or maximum building height to exceed the lot coverage and/or height allowed by the zoning ordinance for the zoning district in which the expansion will be made. The expansion shall be used for residential purposes only, such as, but not limited to: porches, decks, sunrooms, or garages.

4. Non-Conforming Lots of Record.

For the purposes of this subsection, lots of record originate before March 1977.

- A. Vacant Lots: A vacant non-conforming lot may be built upon provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variance of setback or other requirements not involving area or width shall be obtained only by action of the Planning Board.
- B. Built Lots: A non-conforming lot that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) cannot meet the dimensional requirements of this Ordinance a variance shall be obtained by action of the Planning Board.
- C. Contiguous Built Lots: If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principle use exists on each lot, the non-conforming lots may be conveyed separately or together, providing the State Minimum Lot Size Law and the "State of Maine Subsurface Wastewater Disposal Rules" are complied with. If two (2) or more principal uses existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot.
- D. Contiguous Lots - Vacant or Partially Built: If two (2) 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 those lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if two (2) or more of the lots are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional standards and properly recorded at the Aroostook County Registry of Deeds, except where rights have vested, or the lots have frontage on parallel roads and state laws are complied with.
- E. Lot Width and Area Requirements: If a non-conforming lot of record or combination of lots and portions of lots with continuous frontage in single ownership are on record as of the effective date of this Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance. No division of the parcel shall be made which leaves remaining any lot width or area below the requirements stated in this Ordinance.

5. Vested Rights.

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

Section 5 Permits, Administration, and Enforcement.

1. General.

- A. A building permit is required for any new structure greater than or equal to 250 square feet. An approved septic system is required for any occupied dwelling. No application for a Land Use Permit or Certificate of Occupancy shall be accepted unless accompanied by any necessary fees, a copy of the deed to the property in question, a scaled site plan, and a general narrative of intended work to be submitted by the owner, authorized agent, and/or contractor.
- B. No Land Use Permit or Certificate of Occupancy shall be issued for the construction, alteration, enlargement, moving, use, or change of use of any land or building unless the required fees are paid and the CEO determines that all of the requirements have been met and that the development shall conform in all respects to the applicable provisions of this Ordinance and with other applicable federal, state, and local rules, laws, regulations, and ordinances.
- C. Application for a Land Use Permit or Certificate of Occupancy made after the activity for which the permit is required shall be accompanied by a fee equal to double the amount of the initial fee.
- D. Standard Conditions of Approval for All Permits. The following conditions shall apply to any Land Use Permit or Certificate of Occupancy in Island Falls.
 - a) The permit certificate must be posted in a visible location on the property during development of the site and construction of all structures approved by the permit.
 - b) The applicant shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state, and local agencies.
 - c) Setbacks of all structures, including accessory structures, from waterbodies, roads, and property boundary lines shall be as specified in conditions of permit approval.
 - d) In the event the applicant should sell or lease the property within the term of the permit, the buyer or lessee shall be provided a copy of the approved permit and advised of the conditions of approval. The new owner or lessee must contact the CEO to have the permit transferred into the new name and to reflect any changes proposed from the original application and permit approval.
 - e) The scenic character and healthful condition of the area covered under the permit shall be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
 - f) Prior to any occupancy, the sewage disposal system shall be installed according to the wastewater sewage system disposal design specified by permit. The system shall not be installed until a Plumbing Permit has been obtained from the Local Plumbing Inspector. A copy of the Plumbing Permit and Certificate of Inspection must be submitted to the Town. Failure to obtain the Plumbing Permit prior to any installation may require the removal of part or the entire system.
 - g) Once construction is complete, the applicant shall notify the CEO that all requirements and conditions of approval have been met. The applicant shall submit all information requested by the CEO demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the CEO may arrange and conduct a compliance inspection.

2. Land Use Permit.

- A. No building or structure shall be erected, altered, enlarged, or moved until a Land Use Permit has been issued by the CEO. Permits shall expire one (1) year from date of issue and may be renewed once. There shall be a renewal fee. All intended activities as stated in the original permit shall begin within the term of the permit issuance date and be completed within two (2) years from date of issuance of the permit. If significant progress on construction has not been made within twelve (12) months from the date the permit was issued, the permit shall expire. If such activities are not begun and completed within the time limitation, the permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Town. All applications for permits shall be in accordance with applicable provisions of this Ordinance.
- B. Application for a Land Use Permit shall be in writing and contain all information pertinent to the requirements of this Ordinance, including a statement setting forth the intended use of the proposed new, altered, or relocated building or structure. The CEO shall issue

the permit if they find, after proper examination of the application, that the building or structure and its intended use will comply with the provisions of this Ordinance.

- C. There shall be submitted with all applications for a Land Use Permit, two (2) copies of a site plan drawn to scale showing: the exact dimensions of the lot to be built upon; all buildings, existing and proposed (location, shape, size, height, and setbacks); required off street parking and loading spaces; existing, proposed, and such additional information as may be necessary to determine and provide for enforcement of this Ordinance. A soil suitability test may be required for construction on land not served by public sewer.
- D. One copy of the site plan shall be returned to the applicant when approved by the CEO who shall have marked such copy approved and attested to same by their signature on such copy together with the permit. The second copy of such application and plans, similarly marked, approved or rejected, shall be retained by the CEO and shall be kept on file as a public record in the Town Office. Failure of the CEO to issue written notice of a decision within thirty (30) days of the date of filing of the application shall constitute refusal of the permit. A plumbing, electrical, or other state and federal permits, when required, shall be obtained before a land use permit is issued.

3. Certificate of Occupancy.

- A. No land use shall be changed in use, nor building or structure hereafter completed, altered, enlarged, relocated, or changed in use until a Certificate of Occupancy has been issued by the CEO, stating that the proposed use complies with all applicable provisions of this Ordinance and with all applicable federal, state, and local rules, laws, regulations, and ordinances. Any person who sells, leases, or occupies a new building in Town after the effective date of this Ordinance and prior to the issuance of a Certificate of Occupancy by the CEO shall be in violation of this Ordinance and subject to its penalties.
- B. An application for a Certificate of Occupancy shall be applied for at the same time of application for the Land Use Permit. No permit for the excavation, erection, repairs, or alterations to any building shall be issued until an application has been made for a Certificate of Occupancy.
- C. A Certificate of Occupancy shall be required for the following uses:
 - a) The increase in the number of dwelling units in a building.
 - b) The establishment of any home occupation.
 - c) A change in a non-conforming use of land or building.
- D. Prior to the issuance of the Certificate of Occupancy, the CEO shall check and determine that all requirements under the applicable provisions of this Ordinance and with all applicable federal, state, and local rules, laws, regulations, and ordinances have been met.
- E. Any person desiring to change the use, but not the structure of the building or structure erected, or the use of the premises, shall apply in writing to the CEO for a Certificate of Occupancy setting forth the new use under the application. The CEO, upon finding after examination that such new use complies with the provisions of this Ordinance, shall issue the Certificate of Occupancy applied for.
- F. If/when a public sewer system is available, a certificate of occupancy will not be granted until the building is connected.

4. Code Enforcement Officer Shall Act.

The CEO shall act upon all applications for a Land Use Permit or Certificate of Occupancy within thirty (30) days after receipt of an application. Notice of approval, approval with conditions, or refusal to issue the Land Use Permit or Certificate of Occupancy shall be given to the applicant or their authorized agent in writing within seven (7) days of such action stating the reason for said decision.

5. Code Enforcement Officer Duties.

- A. It shall be the duty of the CEO to administer and enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, the CEO shall notify the property owner and the person responsible for such violations in writing indicating the nature of the violation and ordering the action necessary to correct it. The CEO shall send a copy of such notice to the Planning Board and said notice shall be maintained as part of the Planning Board meeting minutes. The failure of the CEO to follow the notice procedure set forth within this Section shall not prevent the Town from taking any legal action to enforce this Ordinance and to pursue all available legal remedies, including without limitation, injunctive relief, fines, and attorney fees. The CEO shall have the authority to issue a Stop Work Order upon a finding that work has been commenced or completed prior to receipt of all approvals required by this Ordinance or contrary to the terms of an approved plan. The CEO shall initiate with the advice and consent of the Selectmen to order the removal of illegal buildings, structures, additions, materials, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, their provisions. Any construction or site work not in conformity with an approved plan and/or permit shall constitute a violation of this Ordinance. Work shall recommence only after such Order has been lifted.
- B. The CEO shall maintain the current addresses and phone numbers of federal and state agencies with which an applicant may want to check to determine what other rules, codes, laws, regulations, or ordinances apply to a proposed development. In addition, the CEO shall maintain a current file of all pertinent local statutes, ordinances, regulations, codes, and plans relating to land-use regulation. The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances and waivers granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated,

violations found, and fees collected. On a biennial basis the CEO shall submit a summary of such record for the shoreland/land use areas as defined to the Director of the Bureau of Land Quality Control within the Maine Department of Environmental Protection.

- C. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to approval. The CEO may enter any property at reasonable hours and enter any structure with the consent of the property owner, occupant, or agent, to inspect the property or structure for compliance with the laws or ordinances. If consent is denied they should obtain an administrative warrant before entering the property. The CEO may revoke a permit after proper notification and an opportunity for a hearing before the Planning Board if it was issued in error or if based on erroneous information.

6. Violations.

- A. The following provisions shall apply to all development plans reviewed and approved by the Town.

- a) A person, shall not convey, offer, or agree to convey any building, structure, or land in a development which has not been approved by the Planning Board as required by this Ordinance.
- b) Any person after receiving the approval who constructs the development in a manner other than depicted on the approved Plan(s) or amendment(s) or in violation of any condition imposed shall be in violation of this Ordinance.
- c) No public utility, water, sanitary sewer, grading or construction of roads, grading of lands or lots, construction of buildings, or any utility company of any kind may install services to any development, until a final plan of such development shall be duly prepared, submitted, reviewed, approved, and endorsed and unless written authorization attesting to the validity and currency of all local permits required under this Ordinance have been issued. Following installation of service, the installer shall forward written authorization to the CEO indicating installation has been completed to the development.
- d) No permit or certificate for a building or use shall be issued unless the development has been approved under this Ordinance and Title 38, §481-490 (Site Location for Development), if applicable.
- e) Whenever a development is exempt from Title 38 MRSA §481-490, because of the operation of Title 38, §488 (5, Subdivision Exemptions) that fact must be noted on the final plan. The person submitting the final plan for recording shall prepare a sworn certificate that must be expressly noted on the face of the final plan. This certificate shall:
 1. Indicate the name of the current property owner;
 2. Identify the property by references to the last recorded deed in its chain of title and by reference to the development plan;
 3. Indicate that an exemption from Title 38, §481-490, has been exercised;
 4. Indicate that the requirements of Title 38, §488, (5), have been and shall be satisfied; and
 5. Indicate date of notification of Department of Environmental Protection under Title 38, §488, (5).
 6. In the case of a subdivision, the exemption is not valid until recorded in the Aroostook County Registry of Deeds. Recording must occur within ninety (90) days of the final subdivision approval or the exemption is void.
- f) Any person who sells, leases, or conveys for consideration any land, dwelling unit, or building in a development approved under this Ordinance and exempt from Title 38, §481-490, because of the operation of Title 38, §488, (5), shall include in the instrument of sale, lease, or conveyance a covenant to the transferee that all of the requirements of Title 38, §488, (5), have all been and shall be satisfied.

- B. In addition to "A" above, the following provisions shall apply to subdivisions reviewed and approved by the Town.

- a) No plan of a division of land which would constitute a subdivision shall be recorded in the Aroostook County Registry of Deeds until a final plan has been approved by the Planning Board in accordance with the Subdivision Ordinance. Approval for the purpose of recording shall appear in writing on the recording plan.
 - b) A person shall not sell, lease, or otherwise convey any land in an approved subdivision which is not shown on the Plan as a separate lot.
 - c) No building permit shall be issued before the road upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot.
- C. When any violation of any provision of this Ordinance shall be found to exist, the CEO, 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 Town. All violations shall be considered nuisances. The Town, or their authorized agent, shall take any steps necessary to preserve the Town's rights, such as, but not limited to, entering into an administrative consent agreement 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 official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use shall result in a threat or hazard to public health and safety or shall result in substantial environmental damage.

- 7. Fines.**
 Any person, firm, or corporation being the owner, authorized agent, contractor, or having control or use of any structure or premises who violates any of the provisions of this Ordinance shall upon adjudication be fined in accordance with provisions of Title 30-A MRSA §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. Fines shall be payable to the "Town of Island Falls".

Section 6 Required Permits and Fees.

The Town shall establish annually, on the advice of the Planning Board and CEO, a schedule of fees, charges, and expenses for matters pertaining to this Ordinance. The schedule of fees shall be posted in the Town Office, and may be altered or amended after a public hearing by the Selectboard. Until all applicable fees, charges, fines, and expenses have been paid in full by the applicant, no action shall be taken on any application or appeal.

There is no fee for a *Notification of Construction*.

- 1. **General Building Permit** \$50
- 2. **Subdivision and Site Design Reviews**
 - A. Preliminary Plan Fee: \$50, plus \$25 per lot or dwelling unit.
 - B. Final Plan Fee: No fee if Preliminary Plan fee is paid. Otherwise, \$75, plus \$50 per lot or dwelling unit
- 3. **Certificate of Occupancy** \$50
- 4. **Board of Appeals Public Hearing** \$100, plus cost of any permit.
- 5. **Planning Board Public Hearing** \$100 (onetime fee per application).
- 6. **After-the-Fact Permit** Double the appropriate permit fee.
- 7. **Penalties**
 - A. Removal of structure
 - B. Removal of part of structure
 - C. Court

Section 7 Amendments.

- 1. **Initiation.**
 A proposal for an amendment to this Ordinance may be initiated by:
 - A. The Planning Board, upon annual review of this Ordinance, by majority vote of the Board;
 - B. The Selectboard, through a request to the Planning Board;
 - C. An individual, through a request to the Planning Board; or
 - D. A written petition of a number of voters equal to at least ten percent (10%) of the voters in the last gubernatorial election to the Planning Board.
- 2. **Procedure.**
 - A. Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested. When a change in zoning boundaries is proposed, the application shall state the nature, extent, and location of the boundary change proposal, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. When an amendment is proposed by other than the Selectmen or the Planning Board, a fee shall accompany the proposal to cover the costs of hearings and advertisements.
 - B. Within thirty (30) days of receiving an amendment, the Planning Board shall hold a public hearing on the proposed amendment, and unless the amendment has been submitted by the Selectmen or by a petition the Board, shall vote whether to forward the amendment to the Selectmen. The Board shall make a written recommendation regarding passage to the Selectmen prior to any action on the amendment by the Selectmen.
 - C. The Selectboard shall hold a public hearing on the proposed amendment. Notice of the hearing shall be posted at three (3) locations throughout the Town at least fourteen (14) days prior to the hearing. The notice shall contain the time, date, and place of hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the Town Clerk's office shall be adequate notice. Written notice of the hearing shall also be mailed at least fourteen (14) days prior to the hearing to property owners which are in or abutting a portion of the municipality affected by a zoning change which prohibits commercial and industrial uses where currently permitted or permits them where currently prohibited.
- 3. **Adoption.**
 Any amendment to this Ordinance shall be adopted at an Annual or Special Town Meeting.

Section 8 Notification of Construction and Permit Requirements

Anyone building, constructing, or demolishing a project such as (but not limited to) a house, garage, storage shed, deck, lean-to, or performing additions to existing structures must file a *Notification of Construction* form with the Town Office. There is no charge for this notification. The CEO will review the project and will provide advice if additional permitting is required (see Section 6 for permit fees). The applicant is also encouraged to meet with the PB and/or CEO to avoid confusion on various zoning regulations, Town ordinances, and any conflicts with the “Town of Island Falls, Maine Comprehensive Plan”.

Depending on the size of the project, the applicant may also be required to submit a “Town of Island Falls Site Design Review Application”. A building permit is required for any new structure greater than or equal to 250 square feet. An approved septic system is required for any occupied dwelling.

Island Falls Land Use Chart

Principal Land Use	Res	Agr	Comm	Ind	Res/Comm
Abattoir (slaughter house)	NO	PB	PB	PB	NO
Adult Daycare Facility	PB	PB	PB	NO	PB
Adult Entertainment	NO	NO	NO	NO	NO
Agricultural Product Processing	NO	PB	PB	PB	NO
Agricultural Product Storage	NO	PB	PB	PB	NO
Airport or Landing Strip	NO	PB	PB	PB	NO
Antiques Sales Shop	PB	PB	PB	NO	NO
Arcades, Pool Halls, Batting Cages, Mini Golf	NO	NO	PB	PB	PB
Art Gallery	PB	PB	PB	PB	PB
Assembly and Packing Facility	NO	PB	PB	PB	NO
Assisted Living Facility	PB	PB	PB	NO	PB
Auction Building	NO	PB	PB	PB	NO
Automobile (Vehicle) Body Shop	NO	PB	PB	PB	NO
Automobile (Vehicle) Car Wash	NO	PB	PB	PB	NO
Automobile (Vehicle) Repair Business	PB	PB	PB	PB	PB
Automobile (Vehicle) Sales Business	PB	PB	PB	PB	PB
Automobile (Vehicle) Service & Convenience Store	NO	PB	PB	PB	NO
Automobile (Vehicle) Service Station	NO	PB	PB	PB	NO
Automobile (Vehicle) Storage Business	NO	PB	PB	PB	NO
Automobile(Vehicle) Graveyard (See specific ordinance)	NO	NO	PB	PB	NO
Bakery	PB	PB	PB	PB	PB
Bank or Finance Service	NO	NO	PB	PB	PB
Bar/Cocktail Lounges	NO	PB	PB	PB	NO
Barber Shop	PB	PB	PB	PB	PB
Beauty Salon	PB	PB	PB	PB	PB
Bed and Breakfast	PB	PB	PB	NO	PB
Boarding House	PB	PB	PB	NO	PB
Bottle Club	NO	PB	PB	PB	NO
Building Materials-Storage and Sales	NO	PB	PB	PB	NO
Bulk Grain Storage	NO	PB	PB	PB	NO
Bulk Oil and/or Gas Terminal	NO	PB	PB	PB	NO
Cafeteria, Private	NO	PB	PB	PB	NO
Cafeteria, Public	PB	PB	PB	PB	PB
Campground/RV Park	NO	PB	PB	NO	NO
Cemetery	NO	PB	PB	PB	NO
Cemetery, Pet	NO	PB	PB	PB	NO
Child Day Care	PB	PB	PB	NO	PB
Children's Camps	NO	PB	PB	NO	NO
Church, Synagogue, and /or Parish House	PB	PB	PB	PB	PB
Cluster Residential Subdivision	PB	PB	NO	NO	PB
Coffee Kiosk	NO	PB	PB	PB	PB

Commercial Greenhouse	NO	PB	PB	PB	NO
Commercial Recreation, Indoor	NO	PB	PB	PB	NO
Commercial Recreation, Outdoor	NO	PB	PB	PB	PB
Commercial Sporting Camp	NO	PB	PB	NO	PB
Community Center	NO	PB	PB	NO	PB
Community Residence for Developmentally Disabled	PB	PB	PB	NO	PB
Community Shelter	PB	PB	PB	PB	PB
Conference Center	PB	PB	PB	PB	PB
Confined Animal Feeding Operation	NO	PB	NO	PB	NO
Congregate Housing	PB	PB	PB	NO	PB
Copy Shop	NO	PB	PB	PB	PB
Correction/Detention Facility	NO	NO	NO	NO	NO
Dance Halls	NO	PB	PB	PB	PB
Data Processing Facility	NO	PB	PB	PB	PB
Demolition Waste Disposal	NO	NO	NO	NO	NO
Dining Hall	PB	PB	PB	PB	PB
Dwelling Two Family Duplex	CEO	CEO	CEO	NO	PB
Dwelling, Multi Family	PB	PB	PB	NO	PB
Dwelling, Single Family	CEO	CEO	CEO	CEO	CEO
Extended Stay Motel	NO	NO	PB	PB	PB
Fairgrounds	NO	PB	PB	PB	NO
Fire, Police, Ambulance Station	PB	PB	PB	PB	PB
Firewood Processing Commercial	NO	PB	PB	PB	NO
Flea Markets	NO	PB	PB	PB	NO
Funeral Home	PB	PB	PB	PB	PB
Golf Course	NO	PB	PB	PB	NO
Group Home	PB	PB	PB	NO	PB
Gyms Not Associated w/Schools	NO	PB	PB	PB	PB
Health clubs	NO	PB	PB	PB	PB
Helipad	NO	PB	PB	PB	NO
Home Improvement Center	NO	PB	PB	PB	PB
Home Occupation	CEO	CEO	CEO	CEO	CEO
Hospital, Clinic or Out-Patient Care	NO	PB	PB	PB	PB
Hospitals, Psychiatric	NO	PB	PB	NO	NO
Hotel, Motel or Inn	NO	PB	PB	PB	PB
Indoor Amusement Facility	NO	PB	PB	PB	PB
Industry, Heavy	NO	NO	NO	PB	NO
Industry, Light	NO	PB	PB	PB	NO
Junkyard (see specific ordinance)	NO	PB	PB	PB	NO
Kennel	NO	PB	PB	PB	NO
Kennel	NO	NO	PB	PB	PB
Laundry or Dry Cleaning	NO	NO	PB	PB	PB
Library	PB	PB	PB	PB	PB
Limited Operation Hunting Camp	NO	PB	PB	NO	NO
Livestock and/or Poultry (Max. of 6 female only chickens per lot in village area)	CEO	PB	PB	CEO	CEO
Manufacturing	NO	PB	PB	PB	NO
Marina	NO	PB	PB	PB	PB
Massage Establishment	NO	PB	PB	PB	PB
Medical Marijuana (see specific ordinance)	NO	PB	PB	PB	PB
Medical Office/Dental Office	NO	PB	PB	PB	PB
Micro Brewery	NO	PB	PB	PB	PB
Mineral Exploration	PB	PB	PB	PB	PB
Mineral Extraction	PB	PB	PB	PB	PB
Mineral Storage	NO	PB	PB	PB	NO

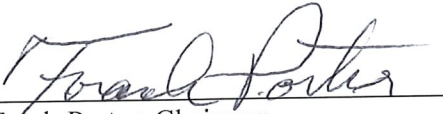
Mobile Home Park	PB	PB	PB	NO	PB
Mobile or Manufactured Home	CEO	CEO	CEO	CEO	CEO
Museum	PB	PB	PB	PB	PB
Newspaper and Printing Plant	NO	NO	PB	PB	NO
Nursing Home Hospice	PB	PB	PB	NO	PB
Owner-Operated General or Grocery Store	PB	PB	PB	PB	PB
Parking Facility	PB	PB	PB	PB	PB
Parks/Picnic Areas	PB	PB	PB	PB	PB
Personal Service Business	PB	PB	PB	PB	PB
Pharmacy, Retail Medical Supply Store	NO	PB	PB	PB	PB
Prison	NO	NO	NO	NO	NO
Private Club	PB	PB	PB	PB	PB
Professional Office	PB	PB	PB	PB	PB
Public and /or Private School	PB	PB	PB	PB	PB
Public and Government Facility	PB	PB	PB	PB	PB
Public Swim Pools, Bathhouses & Spas	PB	PB	PB	PB	PB
Public Utility	PB	PB	PB	PB	PB
Race Tracks/Go Carts	NO	PB	PB	PB	NO
Recycling Collection Point	CEO	CEO	CEO	CEO	CEO
Recycling Facility	NO	PB	PB	PB	NO
Rental Cabins	NO	PB	PB	NO	NO
Research, Testing or Development Facility	NO	PB	PB	PB	PB
Restaurant	PB	PB	PB	PB	PB
Restaurant, Commercial/Recreation	NO	PB	PB	PB	PB
Restaurant, Entertainment	NO	PB	PB	PB	PB
Retail Use	NO	PB	PB	PB	PB
Retail Use, Outdoor Sales or Service	NO	PB	PB	PB	PB
Retirement Home Facility	PB	PB	PB	NO	PB
Riding Stable	NO	PB	PB	PB	NO
Sawmill	NO	PB	PB	PB	NO
School, Boarding Schools, Dormitory	NO	PB	PB	NO	PB
Second or Third Story Apartment	PB	PB	PB	PB	PB
Secondhand Merchandise, Retail Sales	NO	PB	PB	PB	PB
Self-Service Storage Facility	PB	PB	CEO	CEO	PB
Septage Spreading and/or Storage	NO	PB	PB	PB	NO
Shopping Center	NO	PB	PB	PB	NO
Sludge Spreading and/or Storage	NO	PB	PB	PB	NO
Solar Farm (see specific ordinance for Commercial Solar Farms)	NO	PB	PB	PB	NO
Sports Centers/Bowling, Fitness Halls	NO	PB	PB	NO	PB
Structure Accessory to Permitted Use	CEO	CEO	CEO	CEO	CEO
Subdivision	PB	PB	PB	PB	PB
Tavern/Bar	PB	PB	PB	NO	PB
Telecommunications Facility	NO	PB	PB	PB	PB
Theater	NO	PB	PB	PB	PB
Theater, Multiples	NO	PB	PB	PB	PB
Tradesman's Shop	NO	PB	PB	PB	PB
Trucking Distribution Terminal	NO	PB	PB	PB	NO
Use Similar to Prohibited Use	NO	NO	NO	NO	NO
Use Similar to Use Requiring CEO Review & Permit	CEO	CEO	CEO	CEO	CEO
Use Similar to Use Requiring Planning Board Review and Permit From CEO	PB	PB	PB	PB	PB
Veterinary Hospital	NO	PB	PB	PB	NO
Visitor Centers	PB	PB	PB	NO	PB
Warehouse	NO	PB	PB	PB	NO

Water Treatment and/or Pumping Facility
Wholesale Business
Wind Energy Facilities

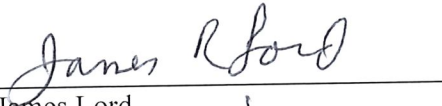
PB	PB	PB	PB	PB
NO	PB	PB	PB	PB
NO	PB	PB	PB	NO

Enacted by Special Town Meeting dated 12/13/2023

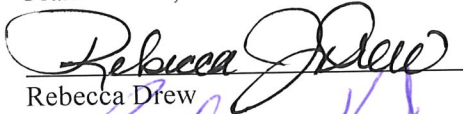
Island Falls Select Board:



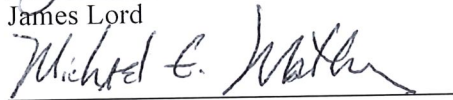
Frank Porter, Chairman



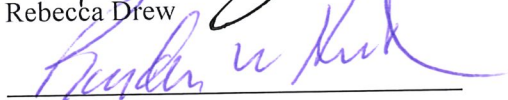
James Lord



Rebecca Drew



Michael Mathers



Royden Hunt

Certified by Town Clerk:

Melissa Walker, Town Clerk