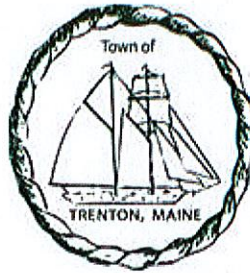


LAND USE ORDINANCE
TOWN OF TRENTON, MAINE



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Carol Reed Walsh
Municipal Clerk

Attest a true copy:

Carol Reed Walsh

Carol Reed Walsh, Municipal Clerk

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ARTICLE I. GENERAL PROVISIONS

1.1 Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VII Part 2, Section 1 of the Maine Constitution and Title 30-A, MRSA, Section 3001 and Title 38 MRSA Sections 435-449.

1.2 Short Title

This Ordinance shall be known and may be cited as the "Land Use Ordinance of the Town of Trenton, Maine", and will be referred to as this "Ordinance".

1.3 Purpose

The purpose of this Ordinance is to promote the health, safety and general welfare; to encourage the most appropriate use of land throughout the Town; to promote traffic safety; to provide adequate light and air; to prevent over-crowding; to prevent development in unsuitable areas; to provide for adequate public services; to conserve natural resources, to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; and to conserve natural beauty and open space.

1.4 Applicability

This Ordinance shall apply to all land within the Town of Trenton. No building, structure, land or water area shall be used for any purpose or in any manner except as provided for in this Ordinance.

1.5 Validity and Severability

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

1.6 Effective Date

1.6.1 Effective Date of the Ordinance and Ordinance Amendments:

The effective date of this amended Ordinance is October 28, 2008.

ARTICLE I. GENERAL PROVISIONS

1.7 Availability

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

1.8 Amendments

This Ordinance may be amended by majority vote of the legislative body.

1.9 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, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

1.10 Conflict with Other Ordinances

Should any section or provision of this Ordinance be found to be in conflict with any other federal, state or local rule, regulation, ordinance, statute or other restriction, the more restrictive provision shall control.

1.11 Non-Conformance

1.11.1 Purpose

1.11.1.1 It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 1.11. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

1.11.1.2 The use of land, building, or structures, 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.

ARTICLE I. GENERAL PROVISIONS

- 1.11.1.3 A building or structure or use which was in existence and lawful at the time of the adoption or subsequent amendments of this Ordinance, may be repaired, maintained, or improved in accordance with the terms of the Ordinance; but the non-conforming use may not be extended or expanded except in conformity with the provisions of Article V. of this Ordinance; and, furthermore, where the building or structure is located in violation of the Ordinance or subsequent extension, or improvement of said building or structure shall be in conformity with setbacks prescribed by said Ordinance as to sidelines, and the building or structure shall not be allowed to extend or expand closer to the front lot line, to any wetland, or front setback provisions as otherwise defined in said Ordinance, than otherwise lawfully permitted under the Ordinance.

1.11.2 Non-Conforming Uses

- 1.11.2.1 A non-conforming use which is discontinued for whatever reason for a period of one (1) year or more may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Ordinance.
- 1.11.2.2 Whenever a non-conforming use is superseded by a permitted use, such use shall thereafter conform to the provisions of this Ordinance and the non-conforming use may not thereafter be resumed.

1.11.3 Non-conforming Lots

- 1.11.3.1 A single lot of record which at the effective date of adoption or amendment of this Ordinance does not meet the area, lot width and/or frontage requirements of the District in which it is located, may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, and that all other provisions of this Ordinance shall be met. Variance of other requirements not involving lot area, lot width or frontage shall be obtained only by the action of the Board of Appeals.
- 1.11.3.2 If two or more contiguous vacant or partially built 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 lot of record for the purposes of this Ordinance and no portion of said lot of record 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. Combined lots of record may be built upon in accordance with Article 1.11.3.1 above.

ARTICLE I. GENERAL PROVISIONS

1.11.3.3 Contiguous Built Lots:

- A. If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.
- B. If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

1.11.4 Non-conforming Structures

1.11.4.1 Expansions:

- A. A non-conforming structure may be added to or expanded only once within the non-conforming setback area by as much as 30% of the total original existing square footage after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure as to setbacks and complies with the lot coverage for that district. Additional expansion greater than the 30% is allowed to the part of the structure that is beyond the required setback listed herein.

1.11.4.2 Relocation:

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

ARTICLE I. GENERAL PROVISIONS

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

1.11.4.3 Reconstruction or Replacement:

- A. Any non-conforming structure which is located less than the required setback from any roadway, side, front, or rear lot line, which is removed, or damaged or destroyed, regardless of cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with all applicable setback requirements to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance.
- B. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.
- C. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 1.11.4.1 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location.
- D. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure.
- E. In determining whether the structure reconstruction or replacement meets the applicable setback requirements to the greatest practical extent the Planning Board shall consider in addition to the criteria in Section 1.11.4.2 above, the physical condition and type of foundation present, if any.

1.11.4.4 Change of Use of a Non-conforming Structure

- A. Such change of use must also be in conformity with the provisions of Article V of this Ordinance.

ARTICLE II. ESTABLISHMENT OF DISTRICTS

2.1 Land Use Districts

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

- 1) Airport Commercial-Industrial District (ACI)
- 2) Business Park District (BP)
- 3) Gateway Commercial District (GC)
- 4) Residential Growth District (RG)
- 5) Residential Rural District (RR)
- 6) Rural Commercial District (RC)
- 7) Rural Development District (RD)
- 8) Village District (V)
- 9) Airport Hazard Overlay Land Use District (A)
- 10) Route 3 Corridor Overlay Land Use District

2.2 Location of Districts as Shown on Official Land Use Map

2.2.1 Said Districts are located and bounded as shown on the Official Land Use Map, entitled "Land Use Map of Trenton, Maine" and on file in the office of the municipal clerk. The Official Map shall be signed by the municipal clerk and the Chairman of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment. The Official Land Use Map is hereby made part of and incorporated into this Ordinance. It shall be drawn at a scale not less than: 1 inch = 2,000 feet. A reduced copy of the Official Land Use Map is annexed as an Exhibit to this Ordinance.

2.3 Uncertainty of Boundary Locations

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

ARTICLE II. ESTABLISHMENT OF DISTRICTS

- 2.3.1 Boundaries indicated as approximately following the center lines of streets, highways, or railroads shall be construed to follow such center lines;
- 2.3.2 Boundaries indicated as approximately following established lot lines or town boundary lines shall be construed as following such lines;
- 2.3.3 Boundaries shown as following shore lines or the center lines of tributary streams, or freshwater or coastal wetlands, shall be construed to follow such lines;
- 2.3.4 Boundaries indicated as being parallel to or extensions of features listed above shall be so construed. Distances not specifically indicated on the Official Land Use Map shall be determined by the scale of the Map; and
- 2.3.5 Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Use Map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Board of Appeals shall interpret the District boundaries and be the final local authority as to their location.

2.4 Division of Lots by District Boundaries

- 2.4.1 Where a 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 provisions below.
- 2.4.2 The extension of regulations applicable to the less restrictive district shall be considered a conditional use, subject to approval of the Planning Board in accordance with the criteria set forth in Article V. of this Ordinance.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

3.1 Basic Requirements

For each land use district, uses are designated as either permitted or permitted as a conditional use. All uses whether permitted with a permit from the Code Enforcement Officer or permitted as a conditional use must comply with the standards of Article IV. of this Ordinance. Uses identified as conditional uses may be permitted upon review and approval by the Planning Board in accordance with Article V. of this Ordinance. Uses not specifically identified as permitted or permitted as a conditional use are specifically prohibited in the district.

3.2 Airport Commercial/Industrial District (ACI)

3.2.1 Purpose

To provide land which is conveniently located with respect to land and air transportation facilities and municipal services and where other conditions are favorable to the development of commerce and industry; to prevent undesirable conflict between industrial development and residential and business uses.

3.2.2 Permitted Uses with CEO Permit

Because of the potential impact on the community of the type of uses for which this district has been established, the Planning Board shall review all use applications in this district as conditional uses.

3.2.3 Conditional Uses

The following uses may be permitted as conditional uses in accordance with the standards of Article IV. of this Ordinance and upon review and approval of the Planning Board in accordance with Article V. of this Ordinance:

- Agricultural activities;
- Essential services
- Light industrial and manufacturing activities;
- Marine related facilities;
- Storage and warehousing facilities;
- Transportation facilities and trucking terminals;
- Wholesaling facilities;
- Automobile repair and service stations;
- Business and professional offices;
- Campgrounds;
- Commercial retail and service establishments;
- Earth moving involving over 100 cubic yards;

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- Hotels, motels, and other lodging places;
- Parking facilities;
- Recreation areas;
- Restaurants;
- Road construction;
- Solar Energy Systems – Roof-mounted and/or Ground-mounted Accessory-use only; and
- Accessory uses.

3.3 Trenton Business Park District

3.3.1 Applicability and Purpose

The Trenton Business Park District is established to accommodate certain non-polluting manufacturing and research institutions or other light industrial uses. This district shall be preserved and protected from the intrusion of incompatible uses which might impede or otherwise have a detrimental effect on the development of such lands.

3.3.2 Permitted Uses with a CEO Permit

Because of the potential impact on the community of the types of uses for which this district has been established, the Planning Board shall review all use applications in this district as conditional uses.

3.3.3 Conditional Uses

The following uses may be permitted as conditional uses in accordance with the standards of Article IV. of this Ordinance and upon review and approval of the Planning Board in accordance with Article V. of this Ordinance:

- Light Industry, including manufacturing, compounding, assembling or treatment of goods and products, with all goods or materials stored in enclosed buildings, such as, but not limited to, the manufacture of electrical components, appliances, or textiles;
- Research and testing facilities of a laboratory nature, including biotech-type facilities;
- Essential services
- Spin-off businesses related to pharmaceuticals and biotechnology;
- Administrative offices of manufacturing or research corporations;
- Boat construction and related technology;
- Marine service and technology businesses;
- Airport-related products and service businesses;
- Parking facilities;
- Public utility and public service uses;
- Road construction;
- Wholesaling facilities;

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- Business and professional offices; and
- Earth moving involving over 100 cubic yards;
- When accessory to any of the above uses: warehouses, vehicle storage, garages and employee restaurants; and
- Solar Energy Systems - Roof-mounted and/or Ground-mounted Accessory-use only.

3.3.4 Landscaping Requirements

3.3.4.1 Landscape plans shall be included as part of applications for all developments permitted as conditional uses. All landscape plans must address the requirements of all the applicable sections that follow. Landscape plans shall include:

- A. A planting plan showing location, quantity, time of proposed planting, and type of proposed plantings;
- B. A planting schedule showing all materials to be used for landscaping, botanical name, common name, quantity, and size at installation (sizing and grading standards of the latest edition of "American Standard for Nursery Stock" shall be used");
- C. All horizontal landscape construction such as walls, drives, decks, terraces, etc. shall be drawn on the conceptual landscape plan and labeled according to material and finish;
- D. All vertical landscape construction such as walls, fences, raised decks, shelters, light standards, signs, flagpoles, trellises, seats, mailboxes, etc. shall be drawn and labeled sufficiently to indicate size, materials and general appearance;
- E. Landscape lighting, if used on site, showing location, wattage, typical fixture design, type of bulb and quantity;
- F. A landscape plan shall also show what native vegetation will remain and what will be removed. A landscaping maintenance schedule shall also be provided.

3.3.4.2 . Front yard landscaping requirements

The purpose of these front yard landscaping requirements is to improve the appearance of vehicular use areas and to protect, preserve, and promote the aesthetic appeal, character and value of Business Park properties.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- A. Fifty percent (50%) of the required front yard must be maintained in a landscaped condition. Landscaping or landscaped condition shall mean the addition or retention of lawns, fields, trees, plants and other natural and decorative features to the land. Unless otherwise specified the preservation, care and maintenance of existing native vegetation of a size and character as noted in Section 3.3.4 can be considered "landscaping."
 - B. Existing vegetation of size and type as described in Section 3.3.4.5 shall not be removed and there shall be no development, clearing, grading or construction activity within the required front yard with the following exceptions:
 - roadway or driveway access and limited parking as allowed for the proposed use;
 - provision of electrical, telephone, cable utilities etc. service lines;
 - pedestrian and/or bicycle paths;
 - signs and lighting fixtures which comply with the Trenton Sign Ordinance;
 - clear sight distances at permitted entrances and exits to proposed uses.
 - C. All front yard areas that are to be preserved as natural, native plant communities shall be maintained free of all debris and trash, trimmed at least once a year and managed in order to maintain the plant community for which it was established.
 - D. Cultivated landscaped areas around and in conjunction with parking lots, and signs are required as detailed in the sections that follow.
- 3.3.4.3 Parking Lot Design and Landscaping
- A. General

All development shall provide permanent off-street parking space in accordance with and at a minimum in the amount specified by Section 4.1.17. Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto any adjacent property.
 - B. Landscaping of Parking Areas

Parking areas shall be suitably landscaped to enhance the environment and ecology of the site and surrounding area. As a guideline, large parking lots shall be designed and landscaped to fit harmoniously within the landscape and wherever possible shall be broken down into sections of not more than forty (40) spaces, separated from other sections by landscaped dividing islands, strips, berms, and similar elements.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

3.3.4.4 Landscaping and Architectural Treatment of Freestanding Signs

All freestanding signs shall be surrounded with a cultivated landscape and installed on a wood, stone or other base material, at least two (2) feet in height and compatible with and similar to the materials of the principal structure developed on the lot. The size of the cultivated landscape area shall be at least twice as large as the size of the permitted freestanding sign and shall be landscaped with low maintenance shrubs, flowers and other similar plants.

3.3.4.5 Preservation of Native Vegetation

Where landscaping is required in this section it can consist of native vegetation provided that:

- A. No more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4½ feet above ground level is removed;
- B. There are no cleared openings greater than 250 square feet, or as required for approved construction;
- C. Maintenance of vegetation is conducted on a regular basis to include removal of storm damaged, diseased, unsafe or dead trees, the control of plant species which tend to become nuisances because of their undesirable growth, but which, if properly cultivated, may be useful or functional elements of a landscape, and the control of plant species as necessary to maintain native vegetation as originally established;
- D. The pruning, thinning out and shaping of trees and shrubs is in accordance with standards horticultural practice. The topping of trees is not allowed and no more than 1/3 of the branching structure of a tree or shrub shall be removed within a ten-year period.

3.3.4.6 Standards for Landscaped Materials

All plant materials and landscape development work shall conform with the specifications developed by the Maine Urban and Community Forestry Council, dated November 1992, or as subsequently amended.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

3.3.4.7 Waivers

- A. Where the board makes written findings of fact that there are special circumstances of a particular parcel proposed to be developed, it may waive portions of the requirements of Section 3.3.4 of this Ordinance unless otherwise indicated in this Ordinance, provided the applicant has demonstrated that the performance standards of this Ordinance have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the subdivision regulations, or this Ordinance.
- B. In granting waivers in accordance with Section 1 above, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied, waived or modified.

3.4 Gateway Commercial District (GC)

3.4.1 Purpose

To support and provide for the development of highway-oriented commercial establishments along Route 3 in a manner which creates a more profitable, high quality, pleasing and memorable entrance into the Town.

3.4.2 Permitted Uses with a CEO Permit

Because of the potential impact on the community of the type of uses for which this district has been established, the Planning Board shall review all use applications in this district as conditional uses.

3.4.3 Conditional Uses

The following uses - provided the principal building associated with such uses does not exceed 15,000 square feet of ground floor area - may be permitted as conditional uses in accordance with the standards of Article IV. of this Ordinance and upon review and approval of the Planning Board in accordance with Article V. of this Ordinance:

- Automobile repair and service stations;
- Business and professional offices;
- Campgrounds;
- Commercial retail and service establishments including Medical Cannabis Caregiver retail stores;
- Earth moving involving over 100 cubic yards;
- Essential Services;
- Hotels, motels, and other lodging places;
- Mobile home parks in accordance with the standards of the subdivision

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- regulations;
- Multi-family dwellings of not more than eight units;
- Parking facilities
- Recreation areas;
- Road construction;
- Single family dwellings established as a part of and secondary to the conditional uses listed above;
- Restaurants;
- Solar Energy Systems – Roof-mounted and/or Ground-mounted Accessory-use only; and
- Accessory uses.

3.5 Residential Growth District (RG)

3.5.1 Purpose

To provide for residential growth in such a manner and at such locations as are compatible with existing development and the ability of the Town to provide essential services and utilities. Other uses permitted in the Residential Growth District are those which are compatible with the traditional residential neighborhoods.

3.5.2 Permitted Uses with a CEO Permit

The following uses are permitted in the Residential Growth District in accordance with the standards of Article IV of this Ordinance:

- Single family dwellings and accessory apartments
- Duplexes;
- Agricultural activities excluding the raising of livestock on a commercial basis;
- Cemeteries;
- Municipal facilities and grounds, providing, however, that such facilities are of a residential and/or office character and do not include sewerage or waste treatment or disposal facilities or similar facilities which would not be appropriate in a residential area;
- Essential Services to include electrical transmission, substation and distribution equipment, communications facilities or other compatible public utility infrastructure as defined/identified in section 7.2, Definitions, of this Ordinance. For purposes of this Section 3.5.2, public utility infrastructure shall not include sewerage or waste treatment or disposal facilities that would be inappropriate in a residential area.
- Public utility or communication facilities or other essential services, providing, however, that such facilities are of a residential and/or office character and do not include sewerage or waste treatment or disposal

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facilities or similar facilities which would not be appropriate in a residential area;

- Timber harvesting per the standards of Title 12 MRSA ch. 805, sub-ch.- IIIA;
- clearing of vegetation for approved construction and other allowed uses;
- Solar Energy Systems – Roof-mounted and/or Ground-mounted Residential Accessory-use only; and
- Accessory uses.

3.5.3 Conditional Uses

The following uses may be permitted as conditional uses in accordance with the standards of Article IV. of this Ordinance and upon review and approval of the Planning Board in accordance with the provisions of Article V. of this Ordinance:

- Aquaculture
- Marinas
- Cluster developments;
- "Convenience stores" having less than 300 square feet of floor space;
- Earth moving activities involving over 100 cubic yards;
- Home occupations;
- Mobile home parks in accordance with the subdivision regulations
- Multi-family dwellings of not more than eight units;
- Boat building/repair operations employing less than five people;
- Recreational areas involving minimal structural development;
- Seasonal rental structures for exclusively residential use and containing not more than three (3) dwelling units per lot with each dwelling unit containing less than 700 square feet of total floor space which units may not be rented for more than six months during each calendar year. A lot with one (1) or two (2) seasonal dwelling units must contain at least 40,000 square feet and a lot with three (3) such units must contain at least 60,000 square feet;
- Solar Energy Systems – Roof-mounted and/or Ground-mounted Business/Commercial Accessory-use only; and
- Accessory uses.

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3.6 Residential Rural District (RR)

3.6.1 Purpose

To provide for residential development in a primarily rural setting. Other uses allowed in the Residential Rural District are those that are compatible with traditional rural neighborhoods.

3.6.2 Permitted Uses with a CEO Permit

The following uses are permitted in the Residential Rural District in accordance with the standards of Article IV. of this Ordinance:

- Single family dwellings and accessory apartments
- Duplexes;
- Agricultural activities excluding the raising of livestock on a commercial basis but including farm stands and farm equipment storage;
- Cemeteries;
- Essential services
- Municipal facilities and grounds, providing, however, that such facilities are of a residential character and do not include sewerage or waste treatment or disposal facilities or similar facilities which would not be appropriate in a residential area;
- Public utility or communication facilities or other essential services, providing, however, that such facilities are of a residential character and do not include sewerage or waste treatment or disposal facilities or similar facilities which would not be appropriate in a residential area;
- Timber harvesting per the standards of Title 12 MRSA ch. 805, sub-ch.- IIIA; portable saw mills
- clearing of vegetation for approved construction and other allowed uses;
- Solar Energy Systems - Roof-mounted and/or Ground-mounted Residential Accessory-use only; and
- Accessory uses.

3.6.3 Conditional Uses

The following uses may be permitted as conditional uses in accordance with the standards of Article IV. of this Ordinance and upon review and approval of the Planning Board in accordance with the provisions of Article V. of this Ordinance:

- Aquaculture
- Marinas
- Cluster developments;
- "Convenience stores" having less than 300 square feet of floor space;

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- Earth moving activities involving over 100 cubic yards;
- Home occupations;
- Solar Energy Systems - Roof-mounted and/or Ground-mounted Business/Commercial Accessory-use only; and
- Accessory uses.

3.7 Rural Commercial District (RC)

3.7.1 Purpose

To preserve open space, rural character, maintain the existing speed and free flow of traffic along Route 3 and allow limited commercial and residential development at a scale and density compatible with the existing pattern of land use and development.

3.7.2 Permitted Uses with a CEO Permit

The following uses are permitted in the Rural Commercial District in accordance with the standards of Article IV of this Ordinance:

- Single family dwellings and accessory apartments
- Duplexes;
- Agricultural activities excluding the raising of livestock on a commercial basis;
- Cemeteries;
- Municipal facilities and grounds, providing, however, that such facilities are of a residential and/or office character and do not include sewerage or waste treatment or disposal facilities or similar facilities which would not be appropriate in a residential area;
- Essential Services to include electrical transmission, substation and distribution equipment, communications facilities or other compatible public utility infrastructure as defined/identified in section 7.2, *Definitions*, of this Ordinance. For purposes of this Section 3.7.2, public utility infrastructure shall not include sewerage or waste treatment or disposal facilities that would be inappropriate in a residential area.
- Public utility or communication facilities or other essential services, providing, however, that such facilities are of a residential and/or office character and do not include sewerage or waste treatment or disposal facilities or similar facilities which would not be appropriate in a residential area;
- Timber harvesting per the standards of Title 12 MRSA ch. 805, sub-ch.-IIIA;
- clearing of vegetation for approved construction and other allowed uses;

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- Solar Energy Systems - Roof-mounted and/or Ground-mounted Residential Accessory-use only; and
- Accessory uses.

3.7.3 Conditional Uses

The following uses - provided the principal building associated with such uses does not exceed 10,000 square feet of ground floor area - may be permitted as conditional uses in accordance with the standards of Article IV of this Ordinance and upon review and approval of the Planning Board in accordance with Article V of this Ordinance:

- Automobile repair and service stations;
- Business and professional offices;
- Campgrounds;
- Commercial retail and service establishments including Medical Cannabis Caregiver retail stores;
- Earth moving involving over 100 cubic yards;
- Essential services;
- Hotels, motels and other lodging places;
- Light manufacturing establishments;
- Mobile home parks in accordance with the standards of the subdivision regulations;
- Multi-family dwellings of not more than eight units;
- Parking facilities;
- Single family dwellings established as a part of and secondary to the conditional uses listed above;
- Recreation areas;
- Restaurants;
- Road construction;
- Solar Energy Systems - Roof-mounted and/or Ground-mounted Business/Commercial Accessory-use only; and
- Accessory uses.

3.8 Rural Development District (RD)

3.8.1 Purpose

To allow appropriate land use activities which will be compatible with existing development in adjoining areas in locations that are presently not readily accessible.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

3.8.2 Permitted Uses with a CEO Permit

The following uses are permitted in the Rural Development District in accordance with the standards of Article IV of this Ordinance:

- Single family dwellings and accessory apartments
- Duplexes;
- Agricultural activities excluding the raising of livestock on a commercial basis;
- Cemeteries;
- Municipal facilities and grounds, providing, however, that such facilities are of a residential and/or office character and do not include sewerage or waste treatment or disposal facilities or similar facilities which would not be appropriate in a residential area;
- Essential Services to include electrical transmission, substation and distribution equipment, communications facilities or other compatible public utility infrastructure as defined/identified in section 7.2, *Definitions*, of this Ordinance. For purposes of this Section 3.8.2, public utility infrastructure shall not include sewerage or waste treatment or disposal facilities that would be inappropriate in a residential area.
- Public utility or communication facilities or other essential services, providing, however, that such facilities are of a residential and/or office character and do not include sewerage or waste treatment or disposal facilities or similar facilities which would not be appropriate in a residential area;
- Timber harvesting per the standards of Title 12 MRSA ch. 805, sub-ch.-IIIA;
- clearing of vegetation for approved construction and other allowed uses;
- Solar Energy Systems - Roof-mounted and/or Ground-mounted Residential Accessory-use only; and
- Accessory uses.

3.8.3 Conditional Uses

The following uses may be permitted as conditional uses in accordance with the standards of Article IV. of this Ordinance and upon review and approval of the Planning Board in accordance with the provisions of Article V of this Ordinance:

- Marinas;
- Aquaculture;
- Agricultural activities;
- Campgrounds;
- Cluster development;
- Commercial and light industrial establishments having less than 50,000

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- square feet of floor space;
- Earth moving activities involving over 100 cubic yards;
- Mobile home parks in accordance with the standards of the subdivision regulations;
- Multi-family dwellings of not more than eight units;
- Recreation areas;
- Solar Energy Systems - Roof-mounted and/or Ground-mounted Business/Commercial Accessory-use only; and
- Accessory uses.

3.9 Village District (V)

3.9.1 Purpose

To promote a mixed-use activity area that concentrates pedestrian-intensive commercial and residential uses and multi-family housing compatible with the scale and intensity of existing uses found in this area. New streets and pedestrian links with the school, town office, fire station and grocery stores are to be emphasized and encouraged.

3.9.2 Permitted Uses with a CEO Permit

- Single family dwellings;
- Accessory apartments;
- Duplexes;
- Agricultural activities excluding the raising of livestock on a commercial basis;
- Municipal facilities and grounds;
- Cemeteries;
- Timber harvesting per the standards of Title 12 MRSA ch. 805, sub-ch. IIIA;
- Clearing of vegetation for approved construction and other allowed uses;
- Solar Energy Systems - Roof-mounted and/or Ground-mounted Residential Accessory-use only; and
- Accessory uses.

3.9.3 Conditional Uses

- 3.9.3.1 The following uses, provided the principal building associated with such uses does not exceed 3,000 square feet of ground floor area, may be permitted as conditional uses in accordance with the standards of Article IV of this Ordinance and upon review and approval of the Planning Board in accordance with Article V of this Ordinance:

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- Automobile repair and service stations;
- Business and professional offices;
- Commercial retail and service establishments;
- Earth moving activities involving over 100 cubic yards;
- Essential services;
- Hotels, motels and other lodging places;
- Solar Energy Systems – Roof-mounted and/or Ground-mounted Business/Commercial Accessory-use only.

3.9.3.2 The following additional uses may be permitted as conditional uses in accordance with the standards of Article IV of this Ordinance and upon review and approval of the Planning Board in accordance with Article V of this Ordinance:

- Cluster developments;
- Earth moving involving over 100 cubic yards;
- Multi-family dwellings of not more than eight units;
- Mixed uses - any combination of the uses permitted in Section 3.10.2 and 3.10.3.1 provided that each use taken separately will not exceed 3,000 square feet of ground floor area;
- Solar Energy Systems - Roof-mounted and/or Ground-mounted Business/Commercial Accessory-use only; and
- Accessory uses.

3.9.3.3 Pedestrian circulation

All developments shall provide for a system of pedestrian circulation within the development:

- A. This system shall connect with sidewalks, if they exist, in the vicinity of the project and establish easements to allow for future connections to adjoining properties;
- B. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas;
- C. The system shall be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops and existing sidewalks in the neighborhood.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

3.10 Airport Hazard Overlay Land Use District (A)

3.10.1 Applicability and Purpose

To insure against safety hazards, noise and obstruction problems associated with aircraft utilizing the Hancock County – Bar Harbor Airport. All development proposed within this district shall be subject to the standards specified within this part, in addition to the standards and regulations contained in the particular base district in which the development occurs. Development activity within this district is subject to regulations primarily to mitigate safety and noise problems; however, land uses within this district also shall be regulated to mitigate their compatibility with airport operations. The regulations governing use and height within the Airport Hazard Overlay Land Use District conform to the standards recommended by the Federal Aviation Administration's Advisory Circular, 150/5190-4, "A Model Zoning Ordinance to Limit Height of Objects Around Airports".

3.10.2 Delineation of the District

The Airport Hazard Overlay Land Use District corresponds with the LDN 60 noise curve, as mapped by Hoyle & Tanner & Associates, Inc. and contained in the Hancock County – Bar Harbor Airport Master Plan, December 1992, in which noise-level disturbance is likely to occur, in accordance with planning standards of the FAA. It is hereby found that four (4) levels of regulation shall be necessary within the Airport Hazard Overlay Land Use District. These levels shall be mapped on the official Land Use District Map, for the Town of Trenton. Also see illustration following this section.

3.10.2.1 Discretionary Noise Level

This level of regulation involves the largest geographical area, corresponds to the LDN 60 noise curve and is the most general in terms of restrictions. It is considered discretionary because it is the transitional impact level between significant and insignificant noise levels in the vicinity of the airport. It is established primarily to insure against noise problems. Within the LDN 60 noise curve it shall be necessary to protect against the effect of noise levels on proposed developments. The remaining areas to be regulated are subsections of the Discretionary Noise Level.

3.10.2.2 Significant Noise Level

The LDN 65 noise curve is concentrically placed inside the LDN 60 noise curve. Because of its proximity to the airport's primary surface, greater noise and safety concerns exist and more restrictive regulation shall be required.

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3.10.2.3 Approach Path

This subdistrict is established to ensure that developments on either end of the airstrip will not pose safety problems. The Approach Path subdistrict is established for safety of structures, persons and flight operations and is the area 525 feet on both sides of the airport's primary surface, and extending to the LDN 60 noise curve at each end of the airport's primary surface.

3.10.2.4 Height Limits

An area subject to special height limitations is established to prevent any hazardous vertical protrusions. This fourth subdistrict forms a trapezoid around the airport's primary surface. To illustrate the effect of these height limitations, no structure could be built up to the 35-foot height limit if it were within 245 feet (1:7) of the sides of the runway's primary surface or within 1,190 feet (1:34) of the ends of the runway.

3.10.3 Area Regulations

Geographically, the sub-districts of the Airport Hazard Overlay Land Use District overlap; however, all applicable area regulations shall be met.

3.10.3.1 Requirements:

All Land Use Ordinance requirements and standards for the developments within the Airport Hazard Overlay Land Use District shall conform with the pertinent design and performance standards of this section. In addition to the materials that are required by this section to be submitted by an applicant for development review, any development proposed within the Airport Hazard Overlay Land Use District shall identify, by narrative description and on the development plan, the location of individual structures in relation to the airport runway's primary surface area in order to demonstrate compliance with these regulations (see illustration attached to this section).

3.10.3.2 Discretionary Noise Level District – LDN 60

- A. Notwithstanding any other provisions of this section, no use may be made of land or water within the LDN 60 noise level district in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights (i.e., colors and patterns), result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

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- B. Any use containing bedrooms, whether residential or commercial, may be developed, unless otherwise excluded in a sub-district, provided that the following noise mitigation measures are achieved and shown on building plans and specifications at the time of application for a building permit:
 - (i) All glass openings shall be double glazed;
 - (ii) Any larger areas of glass that exceed thirty (30) percent of the wall area shall be triple glazed;
 - (iii) Full year heating-air-conditioning shall be installed;
 - (iv) Exterior doors shall be solid core with gaskets. If a storm door is used, then any exterior door may be used as long as door gaskets are installed;
 - (v) An attic space shall be provided, and if an attic is not provided, single plank roof construction is prohibited;
 - (vi) Provide baffling for all openings 4 inches in diameter or larger;
 - (vii) These provisions shall not apply to areas in a dwelling unit that are not intended for long-term occupancy such as a laundry room, a storage closet or a bathroom.

3.10.3.3 Significant Noise Level District – LDN 65

- A. Residential development is prohibited inside the LDN 65 noise curve due to the severe nature of the health, safety and welfare concerns.
- B. In addition, only low-density non-residential uses shall be permitted (including but not limited to: small-scale storage, warehousing, sales/service, wholesaling operations, or those business employing fewer than 10 employees or serving less than 10 patrons at a time). Exception to this standard shall be made for uses proposed to be located on property owned by or leased to the airport which are approved by the Hancock County Commissioners as accessory to the airport and upon a finding by the County Commissioners that (1) the use is necessary for the safe or efficient functioning of the airport, and (2) no feasible alternative location exists.

3.10.3.4 Approach Path

- A. Hotels schools, churches, auditoriums, theaters and similar forms of assembly uses and high-density development (more than 2 dwelling units per net acre or employing more than 10 persons) shall be prohibited in the approach path subdistrict.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- B. Low density development (2 dwelling units or less per net acre) shall be permitted. In addition, only low-density non-residential uses shall be permitted (see LDN 65 definition). Exception is made for uses proposed to be located on property owned by or leased to the airport which are approved by the Hancock County Commissioners as accessory to the airport and upon a finding by County Commissioners that (1) the use is necessary for the safe or efficient functioning of the airport, and (2) no feasible alternative location exists.

3.10.3.5 Height Limitations

Within the Airport Hazard Overlay Land Use District, no building, structure, utility pole or protrusion of any kind thereof shall be permitted to extend to a height measured from the mean elevation of the airport runway that exceeds the limits established by the methodology described herein. The maximum height limits permitted under this Ordinance of thirty-five (35) feet shall be lowered as necessary to correspond with the limits established as follows:

- A. The airport runway primary surface area consists of a rectangle that extends to a distance of 200 feet beyond the ends of runways 4-22 and 17-35 and is 1000 feet wide for runway 4-22 and is 500 feet wide for runway 17-35. Along both sides and ends of the airport primary surface area, at the extremity of the primary surface, the height restriction shall be zero (0) feet. Moving outward from both sides of the runways, the height limit shall increase at the rate of one (1) foot upward per seven (7) linear feet, or a ratio of 1:7.
- B. Moving outward from the ends of the runway's primary surface area, the area subject to these special height limitations shall fan outward beyond the area that would be covered if the height limitation from the sides of the primary surface area extended beyond the ends of the runway. The area so encompassed by special height limitations at the ends of the runway is in the shape of a trapezoid, in which the smaller and larger bases are established by the FAA. The height of the trapezoid would be the linear distance from the end of the runway, as described below:

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

(i) For Runway 4 end:

The height limit shall increase at the rate of one (1) foot upward per thirty-four (34) linear feet, or a ratio of 1:34. For example, no structures could be built up to 35 feet within 1,190 feet of the runway 4 end.

(ii) For Runway 22 end:

The height limit shall increase at the rate of one (1) foot upward per fifty (50) linear feet, or a ratio of 1:50. For example, no structure could be built up to 35 feet within 1,750 feet of runway 22 end.

(iii) For Runway 17 end:

The height limit shall increase at the rate of one (1) foot upward per twenty (20) linear feet, or a ratio of 1:20. For example, no structure could be built up to 35 feet with 700 feet of runway 17 end.

(iv) For Runway 35 end:

The height limit shall increase at the rate of one (1) foot upward per twenty (20) linear feet, or a ratio of 1:20. For example, no structure could be built up to 35 feet within 700 feet of the runway 35 end.

3.10.4 Non-conforming Uses of Structures

3.10.4.1 Regulations Not Retroactive:

The regulations prescribed herein shall not be construed to require the removal, lowering or other change or alteration of any existing structure not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the lawful construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently pursued.

3.10.4.2 Marking and Lighting:

The owner of any existing nonconforming structure is hereby required to permit the installation operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Hancock County Commissioners.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

3.11 Route 3 Corridor Overlay Land Use District

3.11.1 Applicability and Purposes

3.11.1.1 To protect and enhance the economic potential, aesthetic and visual character of lands in Trenton adjacent to Route 3. To promote safe and efficient travel; minimize disruptive and potentially hazardous traffic conflicts. To protect the substantial public investment in the Route 3 corridor by preserving mobility and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow. To separate traffic conflict areas by reducing the number of driveways, provide safe spacing standards between driveways, and between driveways and intersections. To provide for shared access between abutting properties and implement economic, safety and transportation-related goals of the Trenton Comprehensive Plan. Ensure reasonable access to properties, though not always by the most direct access; and to coordinate access decisions with the Maine Department of Transportation as applicable.

3.11.1.2 All development proposed within this overlay district shall be subject to the procedures, standards and guidelines specified in the following sections, in addition to those standards pertaining to the particular base land use district in which the development occurs. In addition, the purpose of the Route 3 Corridor Overlay District is to encourage high quality economic development, provide for more positive visual experiences and assure the continued safe and efficient utilization of Route 3.

3.11.2 Delineation of the District

3.11.2.1 The Route 3 Corridor Overlay Land Use District shall include all lands within 500 feet of the east side and 1,000 feet of the west side of Route 3 as measured from the centerline of the roadway.

3.11.2.2 The approximate boundary of this land use district shall be shown on the official Land Use map.

3.11.2.3 All applications for development located in the Route 3 Corridor Overlay Land Use District shall be reviewed by the Planning Board, except for single family dwellings and duplexes. If the applicant for a development permit can demonstrate that a portion of the corridor will not be visible from the road once the project is completed, the Planning Board may waive the architectural review guidelines of this section.

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3.11.3 Area Regulations

3.11.3.1 Landscaping Requirements

- A. Landscaping plans shall be included as part of applications for all developments permitted as conditional uses. All landscape plans must address the requirements of all the applicable sections that follow. Landscape plans shall include:
- (i) A planting plan showing location, quantity, time of proposed planting, and type of proposed plantings;
 - (ii) A planting schedule showing all materials to be used for landscaping, botanical name, common name, quantity, and size at installation (sizing and grading standards of the latest edition of " American Standard for Nursery Stock" shall be used");
 - (iii) All horizontal landscape construction such as walls, drives, decks, terraces, etc. shall be drawn on the conceptual landscape plan and labeled according to material and finish;
 - (iv) All vertical landscape construction such as walls, fences, raised decks, shelters, light standards, signs, flagpoles, trellises, seats, mailboxes, etc. shall be drawn and labeled sufficiently to indicate size, materials and general appearance;
 - (v) If landscaping is to be irrigated, show approximate extent of coverage and outline performance specification;
 - (vi) Landscape lighting, if used on site, showing location, wattage, typical fixture design, type of bulb and quantity;
 - (vii) A landscape plan shall also show what native vegetation will remain and what will be removed;
 - (viii) A landscaping maintenance schedule shall also be provided.
- B. If at the time of project construction site conditions require more than a twenty-five (25) percent alteration from the landscape plan, review of changes with the Planning Board will be required to insure conformance with the intent of these standards.
- C. Front Yard Landscaping Requirements
- The purpose of these front yard landscaping requirements is to improve the appearance of vehicular use areas and property abutting public rights-of-way; to require buffering between potentially incompatible uses and to protect, preserve and promote the aesthetic appeal, character and value of the Route 3 Corridor.

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- (i) Seventy-five percent (75%) of the required front yard must be maintained in a landscaped condition. Furthermore, at least fifty (50%) percent of the required front yard that is directly in front of a proposed principal structure must be landscaped. Landscaping or landscaped condition shall mean the addition or retention of lawns, fields, trees, plants and other natural and decorative features to the land. Unless otherwise specified the preservation, care and maintenance of existing native vegetation of a size and character as noted in Section 3.12.3.4 can be considered 'landscaping'.
- (ii) Existing vegetation of size and type as described in Section 3.12.3.4 shall not be removed and there shall be no development, clearing, grading or construction activity within the required front yard with the following exceptions:
 - roadway or driveway access and limited parking as allowed for the proposed use;
 - provision of electrical, telephone, cable utilities etc. service lines;
 - pedestrian and/or bicycle paths;
 - signs and lighting fixtures which comply with the Trenton Sign Ordinance;
 - clear sight distances at permitted entrances and exits to proposed uses;
 - the addition of plantings, earth forms or other visual buffers which, in the opinion of the Planning Board would better serve the purpose of this section of the Ordinance.
- (iii) All front yard areas that are to be preserved as natural, native plant communities shall be maintained free of all debris and trash, trimmed at least once a year and managed in order to maintain the plant community for which it was established.
- (iv) Cultivated landscaped areas around and in conjunction with parking lots, and signs are required as detailed in the sections that follow.

3.11.3.2 Parking Lot Design and Landscaping

A. General

- (i) All development shall provide permanent off-street parking space in accordance with and at a minimum in the amount specified by Section 4.1.17.

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- (ii) . Required off- street parking spaces shall be so designed, arranged, and regulated as to have individual spaces marked, be unobstructed, and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway; the spaces shall be provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required yard.
- (iii) . Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto any adjacent property.

B. Shared Parking

- (i) The required parking spaces for any number of separate uses may be combined in one facility.
- (ii) Generally, the required spaces assigned to one use may not be assigned to another use; thus, the total available spaces should be the sum of required spaces for each of the individual uses.
- (iii) Shared parking facilities where parking available is below the strict requirements for users set forth in Section 4.1.17 shall be allowable when the functional nature of the uses allows for differing peak hour demands.
- (iv) The number of parking spaces required in such a shared facility other than those specifically noted in Section 4.1.17 shall be determined by the Planning Board in accordance with the guidelines of the Urban Land Institute's Shared Parking provisions.
- (v) Any such combined use will require the recording of a perpetual easement, in form and substance acceptable to the Planning Board, in the office of the Hancock County Registry of Deeds.

C. Landscaping

Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the site and surrounding area. As a guideline, large parking lots shall be designed and landscaped to fit harmoniously within the landscape and wherever possible shall be broken down into sections of not more than forty (40) spaces, separated from other sections by landscaped dividing islands, strips, berms, and similar elements, in accordance with the following requirements:

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- (i) The cultivated landscaping of the perimeter of all off-street parking areas is required except for accessways as necessary. The minimum width of the perimeter landscape strip shall be ten (10) feet and shall be landscaped with at least one tree and five (5) shrubs for every thirty feet of parking lot perimeter. Trees and shrubs in a perimeter landscape strip may be planted singly or in clusters. The remainder of the perimeter landscape strip shall be landscaped with grass, ground cover or other appropriate landscape treatment. Sand or pavement shall not be considered to be appropriate landscape treatment;
- (ii) Landscaping of the interior of off-street parking areas larger than forty (40) cars is required. Terminal islands between rows of parking spaces shall be provided which shall be at least five (5) feet in width and shall contain at least one tree and five shrubs for every five (5) parking spaces. Trees and shrubs in terminal islands or landscaped islands may be planted singly or in clusters. The remainder of any terminal islands or other interior landscape islands shall be landscaped with grass, ground cover or other appropriate landscape treatment. Not less than 10% of the interior of off-street parking areas for more than forty cars shall be landscaped and maintained with grass or other living vegetative materials;
- (iii) Plants that restrict visibility such as tall shrubs or low branching trees should be avoided for security and traffic safety reasons.

3.11.3.3 Landscaping and Architectural Treatment of Freestanding Signs

All freestanding signs shall be surrounded with a cultivated landscape and installed on a wood, stone or other base material, at least two (2) feet in height and compatible with and similar to the materials of the principal structure developed on the lot. The size of the cultivated landscape area shall be at least twice as large as the size of the permitted freestanding sign and shall be landscaped with low maintenance shrubs, flowers and other similar plantings.

3.11.3.4 Preservation of Native Vegetation

Where landscaping is required in this section it can consist of native vegetation provided that:

- A. No more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level is removed;
- B. There are no cleared openings greater than 250 square feet, or as required for approved construction;

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- C. Maintenance of vegetation is conducted on a regular basis to include removal of storm damaged, diseased, unsafe or dead trees, the control of plant species which tend to become nuisances because of their undesirable growth, but which, if properly cultivated, may be useful or functional elements of a landscape, and the control of plant species as necessary to maintain native vegetation as originally established;
- D. Open fields or pastures are mowed at least annually;
- E. The pruning, thinning out and shaping of trees and shrubs is in accordance with standard horticultural practice. The topping of trees is not allowed and no more than 1/3 of the branching structure of a tree or shrub shall be removed within a ten-year period.

3.11.3.5 Standards for Landscape Materials

All plant materials and landscape development work shall conform with the specifications developed by the Maine Urban and Community Forestry Council, dated November 1992, or as subsequently amended.

3.11.4 Architectural Review Guidelines

The compatible relationship of architecture along roads in the Route 3 Corridor Overlay District is of critical public concern for any new structures or site improvements. The intent of the guidelines is not to stifle innovative architecture but to assure respect for and reduce incompatible and adverse impacts on the visual experience from the roadway. To accomplish this the Planning Board shall utilize the following guidelines in reviewing proposed structures and site improvements. The requirements of this section of the Ordinance (Section 3.11.4) are not meant to be prescriptive, but are illustrative of examples of architectural design details which will meet the standards and purposes for which the Route 3 Corridor Overlay Land Use District has been established. An applicant is free to submit an application which varies from the following guidelines:

- 3.11.4.1 Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing of property, and removal of trees and vegetation which could cause disruption of natural water courses or disfigure natural land forms;
- 3.11.4.2 Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the parcel and surrounding parcels. Structures shall impede as little as reasonably practical, scenic views from the main road or from existing structures and the natural environment.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

3.11.4.3 The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history and cultural heritage of Trenton and the Mount Desert Island area, with natural land forms and existing vegetation, and with other development plans already approved by the Town that are in compliance with this section, demonstrate the area's character, and are designed to be unobtrusive and set into the natural environment.

- A. Pitched roofs or the appearance of pitched roofs with a minimum slope of 5/12 are strongly encouraged. Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or by unbroken extension of line shall be avoided.
- B. Natural wood siding, brick or other materials with similar texture and appearance are recommended. Large expanses of highly reflective surface material and/or mirrored glass are prohibited to prevent heat and glare impacts on the adjacent public streets and properties.
- C. Colors of materials, paints and stains shall be nature-blending, subdued earth tones. Semi-transparent stains are recommended for application on natural wood finishes.
- D. The location and dimensions of wall signs shall be indicated and shall maintain compatibility with architectural features of the structure.

3.11.5 Density Bonus

3.11.5.1 A density bonus may be granted by the Planning Board when provisions are made for the following types of public benefits:

- A. Access to a new principal use occurs on an internal street with common access to Route 3 shared with abutting property owners;
- B. Vantage points for views or other publicly accessible open space is made available;
- C. Access to interior off-road backland parcels is provided.

3.11.5.2 The Planning Board may reduce lot sizes and street frontage requirements by up to 50% for projects proposed which incorporate one or more of the measures identified above. In no case shall lots served by on-site subsurface sewage disposal be less than 20,000 square feet.

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3.11.6 Preservation of Landscape

- 3.11.6.1 The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.
- 3.11.6.2 If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge.
- 3.11.6.3 Existing vegetation and buffering landscaping are potential methods of preserving the scenic vistas.
- 3.11.6.4 Environmentally sensitive areas such as wetlands, steep slopes, flood plains and unique natural features shall be maintained and preserved to the maximum extent feasible. Natural drainage areas shall be preserved to the maximum extent feasible.

3.11.7 Driveway and Related Access Standards

All lots hereafter created and all structures hereafter created, altered or moved on property with frontage on the Route 3 corridor shall conform to the following requirements:

3.11.7.1 Access Approval Required:

No road, driveway, shared access, parking lot cross access, service road, or other access arrangement shall be established, reconstructed or removed without first meeting the requirements of this section.

3.11.7.2 Frontage:

- A. Any lot created after the effective date of this Ordinance shall have frontage upon a local or collector street, a street in an approved subdivision, or a private way approved by the Planning Board.
- B. Contiguous properties under one ownership or consolidated for unified development will be considered one parcel for purposes of this section.

3.11.7.3 Adequate Driveway Spacing:

- A. Driveway spacing shall be measured from edge of driveway/entrance to edge of driveway/entrance, excluding radii. Driveways or entrances located directly across the highway from the proposed entrance will not be counted in applying the spacing standard.

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- B. Spacing between driveways shall meet or exceed the following standards:

Posted Speed (MPH)	Driveway Separation (Feet)
35	130
40	175
45	265
50	350
55	525

- C. Adequate Corner Clearance

Spacing between driveways and signalized and unsignalized intersections shall be a minimum of 125 feet. Corner clearance spacing is measured from edge of driveway/entrance to edge of street, excluding radii.

- D. Mobility Sight Distance

- (i) The sight distance of the driveway must meet or exceed the following standards:

Posted Speed (MPH)	Sight Distance (Feet)
35	480
40	580
45	710
50	840
55	990

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

(ii) Sight distance is measured in accordance with this definition.

(iii) High Crash Locations:

Where driveways are to be located in a segment defined as an existing High Crash Location by the Maine Department of Transportation, and where left-turn access is available through alternative means of access, the Planning Board may require driveway design and signage which discourages certain turning movements.

3.11.7.4 Shared Access

Shared access is strongly encouraged and, in some cases, may be required. When required, one or more of the following options, and the standards of Section 3.11.7.6 shall apply:

A. Shared Driveways:

- (i) Sharing or joint use of one driveway by two or more property owners shall be encouraged.
- (ii) In cases where access is restricted by the spacing requirements of Section 3.11.7.3 “Adequate Driveway Spacing”, a shared driveway may be the only access design allowed.
- (iii) The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.

B. Frontage Roads:

In cases where a frontage road exists, in an adopted corridor study, and/or is proposed in an approved sight plan for an adjoining lot or parcel, access shall be provided via such frontage road, rather than by direct connection to the abutting arterial street.

C. Rear Service Drives:

- (i) Rear service drives shall be encouraged, especially for locations where connection to a side street is available.
- (ii) In addition to access along the rear service drive, direct connection(s) to the arterial street may be allowed, provided that the driveway requirements meet all other requirements of this Ordinance.

D. Parking Lot Connections

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- (i) Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Planning Board.
- (ii) For developments adjacent to vacant properties, the site shall be designed to provide for a future connection.
- (iii) A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.

E. Access Easements

Shared driveways, cross access driveways, connected parking lots, and service drives shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities shall be recorded with the deed.

3.11.7.5 Existing Driveways

Except for shared driveways, existing driveways that do not comply with the requirements of Section 3.11.7 shall be closed when an application requiring a site plan approval is submitted and approval of a new means of access is granted. A closed driveway's curb cut shall be filled, graded and landscaped to conform with adjacent land and curbs.

3.11.7.6 Temporary Permit

- A. A temporary access permit may be conditionally issued to a property included in an access management plan that programs road improvements and installation of service drives and/or shared driveways that would eliminate the need for the temporary driveway.
- B. Conditions may be included in a temporary access permit including but not limited to, a limitation on development intensity on the site until adjoining parcels develop which can provide a shared driveway, shared access via a service drive, and/or cross parking lot connection consistent with the requirements of Section 3.11.7.4.
- C. A temporary access permit shall expire when the use of the site for which the temporary access permit was granted has ceased or after twelve (12) months.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- D. A site plan for property that cannot meet the access requirements of Section 3.11.7 nor the waiver standards of 3.11.7.7, and has no alternative means of reasonable access to the public road system may be issued a temporary access permit. When adjoining parcels develop which can provide a shared driveway, shared access via a service drive or a cross parking lot connection, the temporary access permit shall be rescinded and an application for an access permit consistent with the requirements of Section 3.11.7 shall be required.

3.11.7.7 Waivers

- A. Any applicant for access approval under the provisions of this Section may apply for a waiver of standards in Section 3.11.7 if the applicant cannot meet one or more of the standards according to the procedures provided below:
 - (i) For waivers on properties involving land uses with less than 100 passenger car equivalent vehicles per peak hour based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: Where the standards in this Section cannot be met, suitable alternatives, documented by a registered traffic engineer and substantially achieving the intent of the Route 3 Overlay District may be accepted by the Planning Board, provided that all of the following apply:
 - (a) Adjacent development renders adherence to these standards economically unfeasible, and;
 - (b) there is no other reasonable access due to topographic or other considerations, and;
 - (c) the standards in this Section shall be applied to the maximum extent feasible.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- (ii) For waivers on properties involving land uses with 100 or more passenger car equivalent vehicles per peak hour based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: During the land use application process the Planning Board shall have the authority to waive or otherwise modify the standards of Section 3.11.7 following an analysis of suitable alternatives documented by a registered traffic engineer and substantially achieving the intent of this Section, provided that all of the following apply:
 - (a) Access via a shared driveway or front or rear service drive is not possible due to the presence of existing structures or topographic conditions, and;
 - (b) roadway improvements will be made to improve overall traffic operations prior to project completion, or occupancy of the building, and;
 - (c) the use involves the redesign of an existing development or a new use which will generate less traffic than the previous use, and;
 - (d) the proposed location and design are supported by the Maine Department of Transportation Regional Traffic Engineer as an acceptable design under the circumstances.

ARTICLE IV. GENERAL STANDARDS

4.1 General Standards

Except as elsewhere 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, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

All land use activities shall conform to the following land use standards:

4.1.1 Access to the Site

All transportation design elements and administration provisions of the Town of Trenton shall comply with the Maine Department of Transportation Driveway Entrance Standards and the following performance standards:

4.1.1.1 Access:

- A. In all districts, permitted and conditional uses shall provide for safe access to and from public and private roads.
- B. Safe access shall be assured by providing an adequate number of access points, properly designed and located, with respect to sight-distances, intersections, schools and other traffic generators.
- C. To maintain the capacity of the Town's road network, it is necessary to provide for the coordination and combination of access points along major roads.

4.1.1.2 Corner Clearance:

For purposes of traffic safety in all districts no building or structure may be erected and no vegetation other than shade trees may be maintained above a height of three feet above the plane through the curb grades of intersecting streets within a triangle two sides of which are the edges of the public ways for twenty feet measured from their point of intersection or in the case of rounded street corners, the point of intersection of their tangents.

4.1.1.3 Capacity:

- A. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development.
- B. . Intersections on major access routes to the site which are functioning at a Level of Service of C or better prior to the development shall function at a minimum at Level of Service C after development.

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- (i) The determination of level of service shall be based on the Highway Capacity Manual, Special Report 209, published by the Research Board, National Research Council, Washington, D.C., 2000.
- C. . If any intersection is functioning at a Level of Service D or lower prior to the development, the project shall not reduce the current level of service.
- D. . The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:
 - (i) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or;
 - (ii) the applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of approval of the project.

4.1.2 Accessory Apartments

The purpose of these provisions is to provide a diversity of housing for residents while protecting the single-family character of residential neighborhoods.

Accessory apartments may be utilized for rental purposes as well as in-law accommodations.

4.1.2.1 Building Plan Required

- A. Any request for an accessory apartment shall include a building plan showing the following:
 - (i) Separate floor layout of all finished levels, and;
 - (ii) all plumbing facilities, kind and location, and;
 - (iii) use of all rooms, and;
 - (iv) all entrances/exits, and;
 - (v) parking area.

4.1.2.2 Subsurface Wastewater Disposal

Any request for an accessory apartment shall conform to all provisions of the Maine Subsurface Wastewater Disposal Rules and no dwelling that is served by an on-site wastewater disposal system shall be modified to create an accessory apartment until a site evaluation has been conducted by a licensed site evaluator which demonstrates that a new system can be installed to meet the disposal needs of both dwelling units.

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4.1.2.3 Size

- A. The accessory apartment shall have at least five hundred (500) square feet of floor area.
 - (i) Floor area measurements shall not include unfinished attic, basement or cellar spaces, nor public hallways or other common areas.

4.1.2.4 Number of Units

Only one accessory apartment shall be permitted per lot.

4.1.2.5 Prohibitions

Accessory apartments shall not be permitted for any nonconforming structure or use, where the nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.

4.1.3 Air Pollution

- 4.1.3.1 No dust, dirt, fly ash, fumes, vapors, or gases shall be emitted into the air from any land use or establishment so as to endanger the public health and safety, to impair safety on or the value and enjoyment of other property or to constitute a critical source of air pollution.
- 4.1.3.2 Air pollution control and abatement shall comply with applicable minimum federal and state requirements.

4.1.4 Campgrounds

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

- 4.1.4.1 Each recreational vehicle, tent, or shelter site shall contain a minimum of 2,500 square feet of suitable land in inland areas, not including driveways and roads;
- 4.1.4.2 A minimum of 200 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site;
- 4.1.4.3 The area intended for placement of the recreational vehicle, tent or shelter site, and utility and service buildings shall be set back a minimum of 50 feet horizontal distance from the exterior lot lines of the camping area;
- 4.1.4.4 Screening shall be required where necessary to shield the campground from non-compatible abutting areas.

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4.1.5 Cluster Development

The purpose of these provisions is to provide for the more efficient use of land and the preservation of open space and to allow for new concepts of housing development where maximum variations in design and layout may be allowed, provided that the following requirements are met:

- 4.1.5.1 Cluster developments shall be permitted on parcels or tracts of land 15 acres or more in size, and must meet all of the requirements for subdivisions;
- 4.1.5.2 Uses shall be limited to those permitted in the district in which the project is located;
- 4.1.5.3 Overall, maximum net residential density means the number of dwelling units, either as single-family dwellings or contained in a multi-family dwelling (and subject to all other provisions of this Ordinance which are not inconsistent with these specific provisions) per suitable acre of the site. For Cluster Developments the overall, maximum net residential density shall not exceed one dwelling unit for each 40,000 square feet of suitable site acreage. Lot sizes may, however, be reduced to as little as 20,000 square feet of suitable land provided that the sum of the areas by which any building lots are reduced below 40,000 square feet is reserved as dedicated open space. In calculating the overall, maximum net residential density allowable, the following areas shall not be included in the determination of suitable acreage or land for the calculation of maximum net residential density: land which is situated below the normal high-water line of any water body; land which is located within the 100 year frequency flood plain (the elevation of filled or made land shall not be considered); land which is part of a right-of-way, or easement, including utility easements; land that has been created by filling or draining a pond or wetland; land which is located in a town designated resource protection district; land which has slopes in excess of 15%; and land which is identified by the Natural Resource Conservation Service as having a seasonal high-water table of 6" or less.

An example of the application of the provisions of this section of the Ordinance follows:

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If, in the non-shoreland portion of the Residential Rural District (RR), 3 acres of a total 15-acre site are unsuitable due to slope and wetland characteristics, the remaining suitable acreage available for development is 12 acres of suitable land. The maximum permissible density for residential dwelling units to be built on this 15-acre parcel is determined as follows: 522,720 square feet of suitable land (square feet of suitable land = 12 acres x 43,560 sq.ft./acre or 522,720 square feet), divided by the required minimum lot size for the Residential RR District of 40,000 square feet, equals 13 permissible dwelling units for the entire 15 acres. These 13 dwelling units could be arranged as 13 single family dwellings, or any other mixture permitted elsewhere in this Ordinance of single, two family or other multifamily dwellings. The Planning Board may allow lots within a cluster subdivision to be reduced in area below the minimum normally required, in return for open space, where the Board determines that the benefits of the cluster approach will decrease development costs, increase recreational opportunities or prevent the loss of natural features without increasing the overall net density of the development. In the example used above 13 dwelling units could be situated on approximately six (6) acres, or 260,000 square feet of suitable land on the overall 15-acre parcel (13 dwelling units, multiplied by 20,000 square feet, equals 260,000 square feet, or about six (6) acres) provided the remaining nine acres of the parcel is reserved as dedicated open space. The total area of reserved open space within a development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by this Ordinance. In the example provided 13 lots were reduced by 20,000 square feet each, and therefore the dedicated open space would need to total 260,000 square feet of suitable land, or about six (6) acres, plus the three (3) acres of land found unsuitable due to slope and wetland limitations.

- 4.1.5.4 The distance of every structure from the property line of properties abutting the cluster development shall meet the setback requirements of the district in which the project is located;
- 4.1.5.5 Each structure shall be an element of an overall plan for site development, which shall identify the location of lots, roads, structures, open spaces, and other significant features;
- 4.1.5.6 Open space areas included in the calculation for net density shall be identified and the mechanism for their maintenance and upkeep shall be stated. Further subdivision of land identified as open space is prohibited.
- 4.1.5.7 The Planning Board may require that an applicant for a cluster development include as an alternative for the Board's review a common or shared water supply and/or a common or shared subsurface waste water disposal system.

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4.1.6 Earth Moving and Excavation

The following performance standards shall apply to earth moving and excavation activities of more than ten (10) cubic yards. These standards are not intended to prohibit normal earth work activities in conjunction with and incidental to construction, alteration, or repair of a structure or the grading and landscaping incidental thereto for which a building permit has been issued.

- 4.1.6.1 No excavation and/or removal of earth material shall be permitted within 100 feet of any property line, public roadway or public facilities, or within 150 feet of any structure.
- 4.1.6.2 No below grade excavation shall create an unstable slope so that the land within 100 feet of any property line, public roadway or facility shall be subject to any increased erosion, slump or mass movement, or other detrimental effect.
- 4.1.6.3 No earth moving or excavation operation shall result in increased erosion or runoff that will adversely affect any adjoining properties.
- 4.1.6.4 No excavation shall be worked below the normal ground water level or adversely affect ground water.
- 4.1.6.5 All operations shall be screened from view from adjacent property with adequate fencing, vegetation, or other appropriate means.
- 4.1.6.6 All land which has been excavated must be rehabilitated according to a "seeding plan" approved by the U.S. Department of Agriculture, Natural Resource Conservation Service (NRCS) District. A minimum of two (2) inches of top soil or loam shall be returned to cover all areas so that they may be seeded and restored to natural conditions with vegetation. Rehabilitation measures shall include the application of 150 pounds of lime, 20 to 30 pounds of complete fertilizer and 3 pounds of conservation seed mix per 100 square feet of disturbed land.
- 4.1.6.7 Where an embankment must be left upon the completion of operations, it shall be at a finished slope of not steeper than one (1) vertical foot to two (2) feet horizontal.
- 4.1.6.8 All restoration activity shall be complete as of one year following the date the use of the operation is discontinued. The operation shall be deemed discontinued if no work has been done within twelve (12) consecutive months.
- 4.1.6.9 A Natural Resource Conservation Service (NRCS) restoration plan shall be required prior to the approval of a conditional use.

ARTICLE IV. GENERAL STANDARDS

- 4.1.6.10 All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

4.1.7 Environmental Standards

All development shall be designed in accordance with applicable standards designed to protect the environment.

Conservation, erosion and sediment control.

The following measures shall be included where applicable as part of any land use application review and approval:

- 4.1.7.1 Stripping of vegetation, re-grading or other development shall be done in such a way as to minimize erosion;
- 4.1.7.2 Development shall preserve salient natural features and wildlife habitat as identified in the comprehensive plan and the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Program, keep cut-fill operations to a minimum and ensure conformity with the topography so as to create the least erosion potential and so as to adequately handle surface water runoff;
- 4.1.7.3 The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum;
- 4.1.7.4 Disturbed soils shall be stabilized as quickly as practical;
- 4.1.7.5 Temporary vegetation or mulching shall be used to protect exposed critical areas during development;
- 4.1.7.6 The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site;
- 4.1.7.7 Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods;
- 4.1.7.8 Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense as quickly as possible;

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4.1.7.9 Any activity in a protected natural resource shall comply with the State's Natural Resources Protection Act, Title 38 M.R.S.A. Sections 480A-480BB. Any such activity shall also be conducted in such a manner so as to maintain as nearly as possible the present state of the protected natural resource for the duration of the activity and shall be returned to its original or equal condition after such activity is completed;

4.1.7.10 Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

4.1.8 Groundwater Protection

The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater shall demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

4.1.9 Height Restrictions

The building or structure height limitations for all districts shall be 35 feet, except for steeples, silos, detached barns, windmills, and water towers and similar structures having no floor area.

4.1.10 Home Occupation or Profession

The use of land and/or buildings for the purposes of a home occupation or profession shall be permitted in any district provided that such use shall conform to the requirement of this Ordinance, including the following:

4.1.10.1 The home occupation shall be conducted wholly within the dwelling or accessory structure;

4.1.10.2 The home occupation shall be secondary and subordinate to the primary use of the structure which is residential;

4.1.10.3 The home occupation shall be carried on by a member of the family residing in the dwelling unit;

4.1.10.4 There shall be no alteration or additional structures, no exterior storage, displays, or signs other than those permitted under the Sign Ordinance for the Town of Trenton, and no other exterior indication of the home occupation or variation from the residential character of the principal building;

ARTICLE IV. GENERAL STANDARDS

4.1.10.5 Objectionable conditions such as noise, smoke, dust, odors, heat, glare, electrical disturbance, radiation, or waste discharge shall not be generated by the home occupation;

4.1.10.6 In addition to the off-street parking provided to meet the requirements of the dwelling, off-street parking shall be provided in conformance with the parking requirements for businesses and professional offices in Section 4.1.18 of the Ordinance;

4.1.10.7 In no case will an activity primarily involving retail sale be permitted.

4.1.11 Internal Vehicular Circulation

4.1.11.1 The layout of the site shall provide for the safe movement of passenger, service and emergency vehicles through the site.

4.1.11.2 Non-residential projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for vehicles expected to use the facility.

4.1.11.3 Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.

4.1.11.4 The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot and shall prohibit vehicles from backing out onto a street.

4.1.11.5 All streets and access ways shall be designed to follow the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.

4.1.11.6 Access ways shall be designed to provide for connection to adjacent streets.

4.1.12 Lighting

4.1.12.1 No lights shall be placed or maintained upon or in view of any public roadway so that its beam or rays are directed at any portion of the roadway when the light is of such brilliance and so positioned as to impair the vision of the driver of any motor vehicle upon said roadway.

4.1.12.2 Adequate buffers using either natural landscaping or artificial screening are required to prevent unnecessary or undesirable light from being directed beyond lot lines onto adjacent properties.

ARTICLE IV. GENERAL STANDARDS

4.1.13 Lot Size and Setback Requirements

Lot size, front, rear, and side yard setbacks, maximum lot coverage, and maximum residential density for structures in each of the districts shall conform to the table on lot standards and the following:

- 4.1.13.1 Wherever a side yard or back yard is adjacent to a public roadway, the regulations for front yard setbacks shall apply to the side yard as well;
- 4.1.13.2 Land below the normal high-water line of an upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area;
- 4.1.13.3 Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971;
- 4.1.13.4 If more than one residential dwelling unit or more than one principal, governmental, institutional, commercial or industrial structure or use is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure. In the case of a duplex or a single apartment located in the principal or an accessory structure, the dimensional requirements for a single dwelling unit shall apply.
- 4.1.13.5 The following structures are exempt from setback requirements; these exemptions do not eliminate the requirement to obtain a building permit:
 - A. Fences and retaining walls;
 - B. Driveways, roads, and walkways;
 - C. Septic tanks and leach fields, except as necessary to comply with state law;
 - D. Signs, lights (including poles), and mailboxes;
 - E. Structures covering a maximum of 100 square feet and not permanently affixed to the ground;
 - F. Children's outdoor playsets, swing sets, trampolines, sandboxes, basketball hoops and similar non-permanent play equipment;
 - G. Essential services facilities and equipment as defined herein;
 - H. Streetscape improvements, such as sidewalks, benches, public bike and walking paths.

ARTICLE IV. GENERAL STANDARDS

4.1.14 Lot Standards

See Lot Standards Table 4.1.14 on next page

ARTICLE IV. GENERAL STANDARDS

4.1.14 Lot Standards Table

	Residential Growth	Village	Airport Commercial Industrial	Gateway/ Commercial	Rural Commercial	Rural Development	Business Park	Rural Residential
Minimum Lot Size (sq. ft.) Residential (per principal structure) Commercial/Industrial (per principal structure)	40,000 40,000	20,000 ⁴ 40,000	-- 40,000	80,000 80,000	5 acres 5 acres	40,000 5 acres	-- 60,000	40,000 40,000
Minimum Lot Width (ft) Residential (per principal structure) Commercial/Industrial (per principal structure)	200 200	200 200	-- 400	300 300	450 450	200 400	-- 200	200 200
Minimum Road Frontage (ft) ⁶ Residential (per principal structure) Commercial/Industrial (per principal structure)	150 150	200 200	-- 400	300 300	450 450	200 400	-- 200	200 200
Minimum Front Yard Setback from the Centerline of a Roadway (ft) ¹ Route 3 Other Roads: Residential Commercial/Industrial	-- 75 --	135 75 75	135 -- 75	135 75 75	1 75 75	-- 75 125	-- -- 55	-- 75 75
Minimum Side Yard Setback from a Lot Line (ft) Residential Commercial/Industrial	15 15	15 15	25 25	25 25	25 25	25 100	-- 25	25 ⁵ 25 ⁵
Minimum Back Yard Setback from a Lot Line (ft) Residential Commercial/Industrial	50 50	25 25	40 40	40 40	40 40	40 40	-- 25	50 50
Maximum Lot Coverage Residential Commercial/Industrial	20% 20%	60% 60%	-- 25%	30% 30%	15% 15%	20% 20%	-- 50%	20% 20%
Maximum Residential Density ² (sq. ft./dwelling unit) ³	40,000	20,000 ⁴	--	40,000	40,000	40,000	--	40,000
Maximum Structure Height (ft)	35	35	35	35	35	35	35	35

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NOTES for 4.1.14 Lot Standards Table:

¹ Minimum front yard setback in the Rural Commercial District varies according to the size of the principal structure: A principal structure with:

- less than 3,001 sq. ft. of ground floor area - 135 feet front yard setback;
- between 3,001 and 4,000 sq. ft. of ground floor area - 145 feet front yard setback;
- between 4,001 and 5,000 sq. ft. of ground floor area - 155 feet front yard setback;
- between 5,001 and 6,000 sq. ft. of ground floor area - 165 feet front yard setback;
- between 6,001 and 7,000 sq. ft. of ground floor area - 175 feet front yard setback;
- between 7,001 and 8,000 sq. ft. of ground floor area - 185 feet front yard setback;
- between 8,001 and 9,000 sq. ft. of ground floor area - 195 feet front yard setback;
- between 9,001 and 10,000 sq. ft. of ground floor area - 210 feet front yard setback.

² An exception to these density requirements exists in Section 4.1.13.4.

³ Maximum structure height will vary within close proximity to the airport, see Section 3.10.

⁴ Lot size in the village district may be reduced to 10,000 square feet per primary residential unit if served by a centralized water and sewer system

⁵ For Non-conforming Lots of Record in the Rural Residential District the Side-Yard Setback shall be fifteen (15) feet.

⁶ A lot may be exempt from the road frontage requirements, provided that the lot is serviced by a driveway located within a twenty-foot-wide easement running from the street to the lot.

ARTICLE IV. GENERAL STANDARDS

4.1.15 Multi-Family Dwelling Units

Multi-family dwelling units shall meet all of the following criteria:

- 4.1.15.1 Lot area and shoreline frontage shall be equal to that required for the equivalent number of single-family dwelling units;
- 4.1.15.2 Minimum road frontage shall be 150 feet;
- 4.1.15.3 Lots for multi-family dwelling units shall meet all other setback and lot coverage requirements for single-family dwellings;
- 4.1.15.4 No building shall contain more than eight (8) dwelling units;
- 4.1.15.5 All multi-family dwellings shall be connected to a common water supply and distributions system at no expense to the municipality;
- 4.1.15.6 All multi-family dwelling units shall be connected to a collection and treatment system in accordance with the sanitary provisions of State law;
- 4.1.15.7 No parking shall be located within the required yard area;
- 4.1.15.8 All multi-family developments shall meet the landscaping requirements of the Route 3 Corridor Overlay District regardless of their location in town.

4.1.16 Noise

- 4.1.16.1 With the exception of natural phenomena, emergency vehicles, warning devices, time signals, and noise necessarily involved in the construction or demolition of buildings and other structures, or fishing, farming and timber harvesting operations, no noise which is objectionable due to volume, intermittence, beat frequency, or shrillness shall be transmitted outside the lot where it originates.
- 4.1.16.2 The maximum permissible sound pressure level of any continuous, regular, frequent, intermittent or periodic source of noise produced by any activity regulated by this Ordinance shall be established by the time period and type of land use listed below. Sound use levels shall be measured on a sound meter at all major lot lines, at a height of at least four (4) feet above the ground surface.

District	Sound Pressure Level Limit (decibels)	
	7 a.m. – 8 p.m.	8 p.m. – 7 a.m.
Residential: Growth	55	45
Rural Residential	50	45
Rural Development:	65	55

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Rural Commercial:	65	55
Gateway Commercial:	65	55
Airport Commercial/Industrial*:	75	60
Business Park:	75	60
Village:	65	55

***NOTES:** A. These limits do not apply to aircraft operations.

B. Portions of this zone are also subject to the standards of the Airport Hazard Overlay District (see Section 3.10). All uses within this overlay district must also meet the noise standards specified in section 3.10. In the event of a conflict between these standards, those of section 3.10 shall apply.

4.1.17 Open Space

- 4.1.17.1 Common open space areas shall be contiguous, where possible.
- 4.1.17.2 Common open spaces as shown on any approved development plan shall contain a notation that common open space areas shall not be further developed for any other use.
- 4.1.17.3 When reviewing the location and type of open space designated in an application, the Planning Board shall require:
 - A. Individual lots, buildings, streets, and parking areas shall be designed and situated:
 - (i) to minimize alterations of the natural site and key natural features and wildlife habitats identified as such in the comprehensive plan and by the Maine Department of Inland Fisheries and Wildlife Beginning With Habitat program;
 - (ii) to avoid the adverse effects of shadows, noise and traffic on the residents of the site;
 - (iii) to relate to surrounding properties and to improve the view from and of buildings;
 - B. Diversity and originality in lot layout and individual building, street, parking and lot layout shall be encouraged.
 - C. Open space shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, rock outcroppings and features identified in the Beginning With Habitat program and the comprehensive plan).
 - D. Open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the site.

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- E. Special consideration shall be given to preserving access to brook trout streams.
- F. Developments in excess of 100 acres shall provide sufficient open space to meet the open space needs of users or residents of that development.

4.1.18 Parking and Loading Standards

4.1.18.1 Off-Street Parking

- A. In any district where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged unless there is provided for such extension, or enlargement, off-street automobile parking space within 300 feet of the principal building, structure or use of the premises, in accordance with the following parking requirements:
 - (i) An area of 200 square feet appropriate for parking of an automobile, exclusive of maneuvering space, shall be considered as one off-street parking space;
 - (ii) Unless the requirements of Section 3.11.3.2.B are met, no required parking space shall, for the purposes of this Ordinance, serve more than one use;
 - (iii) No off-street parking facility shall have more than two entrances and exits on the same street;
 - (iv) Parking areas with more than two parking spaces shall be so arranged that vehicles can be turned around within such areas and are prevented from backing into the street;
 - (v) Parking areas containing 10 or more spaces shall have landscaping as may be approved by the Planning Board pursuant to land use application for purposes of reducing to the original rate of runoff in mitigation of the increase in runoff resulting from the increased area of pavement;
- B. The following minimum off-street parking requirements shall be provided and maintained in case of new construction and changes of use. Such parking may be provided in the open air:
 - Accessory Apartment- 1 space per each accessory dwelling unit;
 - Automobile Repair and Service Stations - 1 space for each regular employee plus 1 space for each 50 square feet of floor area used for service;
 - Boarding, Rooming Houses and Tourist Homes - 1 space for each guest room;
 - Bowling Alley - 3 spaces for each bowling lane;

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- Business and Professional Offices - 1 space for each 100 square feet of working space;
 - Churches - 1 space for each 3 persons based on seating capacity;
 - Drive-in Restaurants and Dairy Stands - Minimum of 10 spaces.
 - Fraternal Organizations and Clubs - 1 space for each 4 members.
 - Funeral Parlors - 1 space for each 75 square feet of floor space in slumber rooms, parlors and individual service rooms.
 - Hospitals and Nursing Homes - 1 space for each 3 beds, plus 1 space for each staff or visiting doctor, plus 1 space for each 4 employees.
 - Hotels and Motels - 1 space for each guest bedroom, plus 1 space for each 4 employees.
 - Industrial, Manufacturing Establishments and Boat Yards - 1 space for each 1.2 employees at period of maximum employment, plus 1 space for each company vehicle operating from the premises.
 - Marinas - Minimum of 30 parking spaces.
 - Places of Amusement or Public Assembly - 1 space for each 50 square feet of floor area devoted to patron use.
 - Residential Dwelling Units - 2 spaces for each dwelling unit.
 - Restaurants and Cocktail Lounges - 1 space for each 4 seats plus 1 space for each 2 employees.
 - Retail Business - 1 space for each 150 square feet of sales area.
 - Roadside Farm Stands - 4 spaces.
 - Schools – 1 space for each employee plus: 1 space for each 30 pupils in primary school; 1 space for each 4 students in secondary schools; and 1 space for each 3 students in higher education.
 - Theaters - 1 space for each 3 seats.
 - Wholesale and Warehouse Business - 1 space for each 1.5 employees per shift, plus visitor and customer parking to meet the needs of specific operations.
- 4.1.18.2 No off-street parking area along Route 3 shall be located within 135 feet of the centerline of the road.
- 4.1.18.3 Parking areas shall be designed to prevent stormwater runoff from flowing directly into a waterbody and shall meet all surface water drainage standards of this Ordinance.

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- 4.1.18.4 Off-Street Loading. In any district where permitted, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use serviced so that trucks, trailers and containers shall not be located for loading or storage upon any public way, in accordance with the following standards:
- A. Required loading spaces shall in no case be part of the area used to satisfy the off-street parking requirements of this Ordinance;
 - B. Each loading bay shall have minimum dimensions of 70 feet by 14 feet with a minimum overhead clearance of 15 feet, and may be located either within a building or outside and adjoining an opening in the building.
 - C. No off-street loading spaces shall be permitted in a front yard or on the side of a building abutting a street, except where included in a site plan approved by the Planning Board.
 - D. Joint use of loading spaces by two or more users in the Commercial or Airport Commercial Industrial districts may be authorized by the Planning Board during the land use application process.
 - E. All off-street loading areas shall have landscaping as may be approved by the Planning Board pursuant to the land use application process for purposes of reducing any adverse effects resulting from vast areas of pavement.
 - F. A minimum number of off-street loading spaces shall be provided and maintained by the owner of any building hereafter erected, altered or changed in use, in accordance with the following schedule:

USE	GROSS FLOOR AREA IN SQ. FT.	SPACES REQUIRED
Hotel, Motel, Office Building	Up to 50,000	1
	50,000 or more	2
Retail, Service, Wholesale, Warehouse, Industrial Use	Up to 25,000	1
	25,000 to 50,000	2
	50,000 to 100,000	3
	For each additional 50,000 or fraction thereof	1 additional

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4.1.19 Preservation of Landscape

Environmentally sensitive areas such as wetlands, steep slopes, flood plains, wildlife habitats as identified in the Maine Department of Inland Fisheries Beginning With Habitat Program, and unique natural features as identified in the comprehensive plan shall be maintained and preserved to the maximum extent feasible. Natural drainage areas shall be preserved to the maximum extent feasible.

4.1.20 Septic Waste Disposal

4.1.20.1 All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

4.1.21 Signs

All signs shall comply with the Sign Ordinance of the Town of Trenton.

4.1.22 Surface Water Drainage

4.1.22.1 Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream conditions, or the public storm drainage system and shall be held to a zero percent or less off-site increase in quantity after development.

4.1.22.2 On-site absorption shall be utilized to minimize discharges whenever possible.

4.1.22.3 All drainage calculations shall be based on a twenty-five-year storm frequency.

4.1.22.4 Emphasis shall be placed on the establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on site and off site, to adequately control the rate, volume and velocity of storm drainage.

4.1.22.5 Maintenance responsibilities shall be reviewed to determine their adequacy.

4.1.23 Temporary Storage

4.1.23.1 Upon the approval of the Code Enforcement Officer, portable storage units, mobile trailers, vans or similar vehicles or other temporary facilities may be used for storage for a period not to exceed six months.

A. Such approval may be extended for successive periods of six months if it is deemed that:

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- (i) The use does not diminish area requirements as set forth in the ordinance for that district;
- (ii) There is a valid temporary need which cannot be met within the principal structure and that adequate economic hardship can be shown;
- (iii) The initial approval, or any renewal, of the use will not in any way be detrimental to the abutting properties, including aesthetic appearance;
- (iv) The use is not intended as a permanent or long-term use;
- (v) The use is not intended to circumvent building area limitations for that district or to prolong the use of facilities which have been outgrown;
- (vi) These storage units will be adequately screened from abutting properties and the street;
- (vii) These storage units will not be used as or intended for advertising for on- or off-premises purposes;
- (viii) These facilities will not be used for retail sales or as a dwelling unit.

B. The above provisions allow the use of such temporary facilities as construction or job site office or equipment storage facilities during construction, provided that no advertising other than the contractor's name shall be on the vehicle or facility and that such signs must meet the requirements of the Ordinance for the Regulation of Signs in the Town of Trenton. Construction or job site office or equipment storage facilities shall be allowed to be in place during the entire duration of the construction which the office or storage facility serves, provided that a building permit from the Code Enforcement Officer is granted prior to the installation of such.

4.1.24 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 as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

4.1.25 Essential Services

- 4.1.25.1 Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- 4.1.25.2 Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

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4.1.26 Net Acreage Calculations for Development

The following lands in the Rural Residential Zone shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size requirements of this Ordinance for lots that are subject to subdivision review:

- 4.1.26.1 Land which is situated below the normal high-water line of any water body;
- 4.1.26.2 Land which is part of a road or a right-of-way, or easement, including utility easements;
- 4.1.26.3 Land that has to be created by filling or draining a pond;
- 4.1.26.4 Land that has been determined to be a freshwater wetland, as defined in Title 38, MRSA, Section 480-B, regardless of size;
- 4.1.26.5 Land identified as having soil that is poorly drained or very poorly drained, alluvial or flood plain according to a soil scientist and in accordance with classifications of the National Cooperative Soil Survey;
- 4.1.26.6 Contiguous areas of 5,000 square feet or more with slopes over 25%;
- 4.1.26.7 50% of any contiguous area of 5,000 square feet or more with slopes of 15% to 25%.

4.1.27 Acceptance as Town Ways

In the interest of encouraging growth in residential growth areas as designated in the comprehensive plan, the following procedure shall apply to the acceptance of town ways:

4.1.27.1 General

All streets which are laid out or proposed for town acceptance shall be in accordance with Maine law and the provisions of this chapter as follows:

A. Subdivisions

- (i) . The Planning Board shall not approve any subdivision plan unless proposed street(s) are designed and to be constructed in accordance with the standards of this chapter.
- (ii) . Final subdivision plan approval by the Planning Board shall not be deemed to constitute or be evidence of acceptance or intent of acceptance by the town of any street.

B. Conditional Use Permits

ARTICLE IV. GENERAL STANDARDS

- (i) The Planning Board shall not approve any conditional use permit unless the proposed street(s) are designed and to be constructed in accordance with the standards of this chapter.
 - (ii) Final conditional use permit approval by the Planning Board shall not be deemed to constitute or be evidence of acceptance or intent of acceptance by the town of any street.
- C. All petitions for the acceptance of a street(s) as a town way shall be made to the Board of Selectmen prior to being brought before Town Meeting and shall be in accordance with Maine law and the provisions of this chapter.
- D. Streets not surfaced with hot rolled bituminous pavement are not eligible for petitioning or acceptance as town ways.
- E. Streets shall not be eligible for petitioning or acceptance as Town ways until at least 80% of the dwelling units or structures which the street is designed to serve are constructed.

4.1.27.2 Application Procedure for Street Acceptance

- A. All petitions for street acceptance shall be accompanied by an application which includes the following information:
 - (i) Petitioner's name, address, phone, signature and date;

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- (ii) Names of the owner(s) of record of the land upon which the proposed town way is located, including any proposed easements proposed as part of the petition to the Town;
 - (iii) A copy of the most recently recorded deeds for the land that is the proposed street;
 - (iv) A. statement of any legal encumbrances on the land upon which the proposed town way is located;
 - (v) A legal description of the proposed town way (and all associated easements), giving complete descriptive data by bearings and distances based upon a standard boundary survey of the parcel, made and certified by a Maine registered land surveyor, along with a copy of the survey plan, and written verification by the surveyor that permanent monumentation has been set at all street intersections and points of curvature;
 - (vi) A written certification by a professional engineer, registered in the state of Maine, certifying that the proposed town way meets or exceeds the design and construction standards set forth in this chapter;
 - (vii) One Mylar and two sets of blue prints of as-built conditions of the proposed town way conforming to the plan requirements and standards of this chapter. Where underground utilities have been installed, the as-built plans shall show the final, installed location of such lines;
 - (viii) Date that street construction was completed, including the dates that the base course and surface course of pavement were installed;
 - (ix) If the street is located in a rural area as designated by the comprehensive plan, a statement of how acceptance of the street as a town way is consistent with the goals of the comprehensive plan.
- B. Upon receipt of a petition and application for a proposed street acceptance, the Board of Selectmen shall forward one set of plans to the Planning Board and one set of plans to the town's consulting engineer who shall review and provide written comment back to the Selectmen. The engineer's comment shall state either that the street meets the town's street design and construction standards as specified in this chapter, or shall provide a list of the standards which have not been met. The town's engineer's review shall include a field inspection of the proposed town way, to determine if there are any performance problems or structural failures which have occurred since the completion of the street construction. The Planning Board's review shall include a statement as to whether or not the acceptance of this street would be consistent with the comprehensive plan.

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- C. When the Board of Selectmen determines that the proposed street meets or exceeds the design and construction requirements of this chapter and the goals of the comprehensive plan, it shall set and hold a public hearing on the petition. At or following the public hearing, the Board of Selectmen shall vote to place it on the next available Town Meeting warrant.

4.1.28 Garage/Yard Sales

4.1.28.1 Purpose

Perpetual, prolonged and extended yard sales, if continued indefinitely, tend to become retail businesses in residential areas and zones, create noise, traffic congestion, unsightly signage, and other nuisances and often violate the Zoning Ordinance of the Town. The regulations contained herein are designed to control and restrict yard sales in order to protect the public health, safety and convenience of citizens of Trenton and to restrict sales to casual or occasional-occurrences only, in keeping with the character of residential neighborhoods.

4.1.28.2 Definition

Yard sale, garage sale, tag sale, barn sale etc. shall all be considered a garage sale. A garage sale is the sale of used household and personal articles (furniture, tools, toys, clothing, etc.) held on the seller's own premises and conducted by family members residing in dwelling.

4.1.28.3 Permit Required

No person shall sell or offer for sale personal property from any residential premises except as permitted by this article. Agricultural products are not considered personal property and not included in this Ordinance, therefore not permitted to be sold at or in conjunction with the garage sale. Only the sale of donated personal property and the sale of personal property owned, used and maintained for personal use only by the seller, and not for resale to the public shall be sold from residential premises, and only after issuance to the seller of a permit for such purposes, as follows:

- A. A permit may be obtained from the Trenton Town Office. The fee for a permit shall be paid in accordance with the business fee schedule as established by the Board of Selectmen.
- B. A permit shall be issued for sales of personal property upon residential premises and not a commercial property, unless the commercial property is also the seller's primary residence.

ARTICLE IV. GENERAL STANDARDS

- (i) The permit shall be for a period of no more than three consecutive days, and no more than three permits shall be issued for any one location in any twelve-month period.
- (ii) Permits required under this article shall be on forms furnished by the Town of Trenton.
- (iii) Two or more people may hold a garage sale jointly at one location upon obtaining a single permit.
- (iv) The person who resides at the location where the garage sale is held shall be listed as the applicant and it will be considered a neighborhood garage sale.

4.1.28.4 Neighborhood Garage Sales

A. Definition

A garage sale with more than one household combining to have a garage sale in one location. Those participating in the garage sale shall be considered the neighborhood.

B. A neighborhood garage sale is permitted under this article.

- (i) When applying for a garage sale permit, the organizer or one of the participants in the garage sale shall list his/her address as the location of record where the garage sale shall take place;
- (ii) The names and addresses of all of the participants shall be listed on the permit application and it shall be considered as one of the three permitted garage sales per year for any of the participants.

C. In addition, for the purpose of the article, a neighborhood garage sale shall be considered as a single event and the permit charge shall be the same as for a single garage sale.

D. Neighborhood garage sale permits are valid for the same periods as other garage sales and no more than one neighborhood garage sale shall be allowed at a specific location more than once every twelve months.

4.1.28.5 Traffic Safety

A. Applicant must make sure that the garage sale does not inhibit the flow of traffic or the safety of pedestrians, and;

B. Applicant must use pylons or other forms of safety alerts to dissuade parking on both sides of the street where traffic would be reduced to a single lane.

ARTICLE IV. GENERAL STANDARDS

4.1.28.6 Signs

- A. All signs shall be in compliance with the Town of Trenton Sign Ordinance.
- B. Signs for a garage sale are permitted twenty-four hours prior to the garage sale and must be removed within twenty-four hours after the garage sale.
- C. Garage sale signs shall not cover any part of official safety or traffic signs or signposts holding such signs, and shall not interfere with the visibility of vehicles.

4.1.28.7 Exemptions

The provisions of this article shall not apply to sales made of personal property made under court order or process.

4.1.29 Fire Protection

4.1.29.1 General

The Fire Chief, or their designee, shall review Conditional Use Permit applications and provide written comments to the Planning Board regarding the following matters. The Planning Board shall consider such comments in determining compliance with this section. The Fire Chief, or their designee, shall provide the written comments within 21 days of receipt of a complete application. Failure to provide comments within this timeframe shall not delay Planning Board review.

- A. The proposed development will not cause an unreasonable burden on the Fire Department's ability to deliver fire protection services based on available staffing, equipment access, water supply, and applicable fire protection standards;
- B. The Fire Chief, or their designee, has reviewed the applicant's proposed locations for fire hydrants, dry hydrants and fire ponds, and any other source of water for fire suppression within the development;
- C. The Fire Chief, or their designee, has reviewed the location, dimensions and construction of proposed access to the site for fire-fighting equipment and other emergency vehicles;
- D. The Fire Chief, or their designee, unless the Fire Chief has deferred to the State Fire Marshal's Office or unless the approval of the State Fire Marshal's office is required by law, has reviewed preliminary construction plans for the development and certifies that such plans comply in all respects with the State of Maine Fire Code, as adopted and amended.

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4.1.29.2 Fire Marshal Plan Review

Detailed building plans for state, municipal, or county buildings, schools (elementary and secondary), hospitals and health care facilities, residential care and nursing homes, licensed care facilities regulated by the Department of Health and Human Services, places of public assembly (including theaters and community halls), and the following commercial occupancies: restaurants; hotels, motels, inns, and lodging or rooming houses; business occupancies; and mercantile occupancies, shall be approved in writing by the Maine State Fire Marshal's Office for compliance with applicable Fire and Life Safety Codes prior to the issuance of a local building permit.

4.1.29.3 Phased Construction

Approval of phased construction or transfer of ownership shall not relieve the applicant from providing required fire department access or fire protection water supply. Required fire protection features shall be installed in accordance with the approved plan prior to construction of any phase unless otherwise approved by the Fire Chief, or their designee.

4.1.29.4 Access Box(es).

The Trenton Fire Department shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The access box(es) shall be of an approved type listed in accordance with UL 1037. The owner or occupant of a structure or area, with required fire department access box(es) shall notify the Trenton Fire Department when the access is modified in a manner that could prevent fire department access.

ARTICLE V. ADMINISTRATION

5.1 Creation of Administering Bodies and Agents

5.1.1 Code Enforcement Officer

The Office of Code Enforcement Officer is hereby established. The Code Enforcement Officer shall be appointed annually by July 1st by the Selectmen.

5.1.2 Planning Board

The Planning Board of the Town of Trenton is hereby established in accordance with State law.

5.1.3 Board of Appeals

The Board of Appeals for the Town of Trenton is hereby established in accordance with the provisions of 30-A M.R.S.A. section 2691.

5.2 Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

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

5.2.1.1 Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Article III.

5.2.1.2 All applications shall be signed by an owner individual who can show evidence of right, title or interest in the of the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

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

ARTICLE V. ADMINISTRATION

- 5.2.1.4 If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

5.2.2 Installation of Public Utility Service

No public utility water district, sanitary district or any utility company of any kind may install services to any new structure unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

5.3 Conditional Use Permits

5.3.1 Conditional Use Permits Required

After the effective date of this Ordinance no person shall engage in any use of land requiring a conditional use permit without first obtaining an approved, signed Conditional Use Permit from the Planning Board and, if required, a Building Permit.

5.3.2 Procedure for Administering Permits

- 5.3.2.1 An application for a conditional use permit shall be submitted to the Town Office, accompanied by a fee to be established by the Board of Selectmen.
- 5.3.2.2 Within 30 days from the date of receiving a written application and fee, the Municipal Clerk shall schedule this application to be presented at the next available regular monthly Planning Board meeting.
- 5.3.2.3 The Municipal Clerk shall notify the applicant and all abutting landowners in writing of the application and public water supply operators of any applications that lie within their source water protection area and shall publish a notice of the hearing at least seven days in advance in a local paper of general circulation.
- 5.3.2.4 At its next available regular monthly meeting the Planning Board shall conduct a public meeting on this application including Completeness and Compliance Reviews and may hold a Public Hearing. Following the Public Hearing and deliberation, the Planning Board shall act on the application. If deemed necessary, the Planning Board may continue this meeting to a time definite.

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5.3.2.5 Permits shall be approved if the proposed use is found to be in conformance with the provisions of this Ordinance. If the permit is denied, the reasons for denial shall be stated in writing. An appeal to the Board of Appeals from an approval or denial of a permit must be made within 30 days of the approval or denial.

5.3.3 Permit Application

Applications for conditional use permits shall be submitted in writing on forms provided by the Municipality for this purpose.

The Planning Board may require the submission of whatever additional information is necessary to determine conformance with the provisions of this Ordinance.- This shall include, as a minimum, the following submissions:

- 5.3.3.1 A completed and signed Conditional Use Permit application form with eight (8) copies of all submission documentation;
- 5.3.3.2 A letter authorizing a designated agent, if applicable;
- 5.3.3.3 Document(s) showing proof of legal interest in the property;
- 5.3.3.4 A plan of the area showing contours at intervals to be determined by the Planning Board, normal high-water line, ground water conditions, bedrock, slope, and vegetative cover;
- 5.3.3.5 A scaled site plan showing:
 - (i) All property lines;
 - (ii) The location of existing and proposed building, parking areas, traffic access, driveways, walkways, lighting, and landscaping;
 - (iii) Lot size, lot width, road frontage, required setbacks, and calculated lot coverage as listed in section 4.1.14 Lot Standards Table for the applicable district;
- 5.3.3.6 Plans of buildings, sewage disposal facilities, and water supply systems;
- 5.3.3.7 A soils report identifying the soils boundaries and names with the soils information superimposed upon the plot plan in accordance with the USDA Natural Resource Conservation Service National Cooperative Soil Classification;
- 5.3.3.8 the location of any portion of a public water supply source water protection area that lies within the property proposed for development;

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- 5.3.3.9 A report by a licensing site evaluator indicating the suitability of the soils for a sewage disposal facility, and the proposed or existing design of a compliant system including site location;
- 5.3.3.10 If applicable, important habitat areas identified in the comprehensive plan or the Department of Inland Fisheries and Wildlife Beginning with Habitat program the applicant shall demonstrate that there shall be no adverse impacts on the habitat and the species it supports. A report prepared by a wildlife biologist, selected or approved by the Board may be required. This report shall assess the potential impact of the development on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the development will have no adverse impacts on the habitat and the species it supports, and;
- 5.3.3.11 Other pertinent information necessary to determine if the proposed use meets the provisions of the Ordinance.
- 5.3.3.12 A written statement from the Fire Chief, or their designee, that addresses the requirements of Article IV §4.1.29.

5.3.4 Permits to be Issued by the Planning Board

The Planning Board shall approve or deny those applications for a Conditional Use Permit on which it is empowered to act as stated in this Ordinance.

The Planning Board shall after the submission of a complete application including all information requested, grant a permit if it makes a positive finding based on the information presented to it that, except as specifically exempted in the Ordinance, the proposed use:

- 5.3.4.1 Is in conformance with the standards of Article IV. of this Ordinance;
- 5.3.4.2 Will not result in unsafe or unhealthful conditions;
- 5.3.4.3 Will not result in land, water, or air pollution;
- 5.3.4.4 Will not result in undue erosion or sedimentation;
- 5.3.4.5 Will avoid problems associated with development in flood hazard areas;
- 5.3.4.6 Will not cause an unreasonable burden on the Fire Department's ability to deliver fire protection services, considering available staffing, equipment access, and fire protection water supply;
- 5.3.4.7 Will not result in adverse impact to spawning grounds, fish, aquatic life, bird, and other wildlife habitat; and

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- 5.3.4.8 When the request for a permit is for an area within the shoreland zone, the Planning Board shall also make a positive finding that the proposed use:
- A. Will conserve shoreland vegetation;
 - B. Will conserve visual points of access to waters as viewed from public facilities; and,
 - C. Will conserve actual points of public access to waters.
- 5.3.4.9 Factors that the Planning Board shall consider in making its findings for Sections 5.3.4.1 through 5.3.4.7 above include, but are not necessarily limited to, the following:
- A. The compatibility of the proposed use with adjacent land uses;
 - B. Access to the site from public roads, including the adequacy of access points, and the possible need for turning and slowdown lanes and other traffic control devices;
 - C. Layout and design of off-street parking and loading/unloading areas, and vehicular circulation on the site;
 - D. The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal system;
 - E. The location of the site with respect to flood hazard areas;
 - F. The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation;
 - G. Provisions for control of run-off and drainage;
 - H. The erosion potential of the site based on degree of slope, soil types, and vegetation cover;
 - I. The impact of the proposed use on ground water and water supplies; and,
 - J. The impact of the development on municipal services including roads, fire and police protection, solid waste disposal, and other services and facilities.
- 5.3.4.10 If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing.
- 5.3.4.11 No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local Ordinance or regulation or any State law which the municipality is responsible for enforcing.

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5.3.5 Conditions Attached to Conditional Use Permits

5.3.5.1 In the granting of a conditional use permit, the Planning Board may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purpose of this Ordinance.

- A. Such conditions may include, but are not limited to, specifications for: increased setbacks; landscaping and screening; sewage disposal and water supply facilities; period of operation; and professional inspection and maintenance.

5.3.5.2 Violation of any of these conditions shall be a violation of this Ordinance.

5.3.6 Expiration of Permit

A conditional use permit or permit issued by the Code Enforcement Officer shall no longer be valid if substantial start in the work or change involved is not commenced within one year of the date on which the permit is issued.

5.4 Appeals to the Board of Appeals

5.4.1 Variance Appeals

The Board of Appeals may, upon written application, grant a variance from the strict application of the Ordinance under the following conditions:

5.4.1.1 The strict application of the terms of the Ordinance would result in undue hardship to the applicant. The term "undue hardship" shall mean:

- A. that the land in question cannot yield a reasonable return unless a variance is granted;
- B. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- C. that the granting of a variance will not alter the essential character of the locality; and,
- D. that the hardship is not the result of action taken by the applicant or a prior owner.

5.4.1.2 The Board of Appeals, based on clear and convincing evidence presented to it, makes a finding that the proposed use would meet the provisions of Section 5.3.4 1, except for the standard for which a variance is being sought, and Sections 5.3.4.2 through 5.3.4.7 of this Ordinance.

5.4.1.3 A variance is authorized only for dimensional requirements.

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- 5.4.1.4 A variance shall not be granted to permit a use or structure otherwise prohibited.
- 5.4.1.5 A disability variance may be granted in accordance with MRSA 30-A Section 4353, subsection 4-A.
- 5.4.1.6 The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary.
- 5.4.1.7 The party receiving the variance shall comply with any conditions imposed.

5.4.2 Administrative Appeals

- 5.4.2.1 The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by the Planning Board in the administration of this Ordinance, and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance.
- 5.4.2.2 Any order, requirement, decision or determination made, or failure to act, in the enforcement of this Ordinance is not appealable to the Board of Appeals.
- 5.4.2.3 Such written application for an appeal shall be made within 30 days of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- 5.4.2.4 No appeals to the Board of Appeals shall be taken, maintained, or granted from any Planning Board action or inaction or from any other municipal action or inaction arising from any form of municipal consideration of a contract zoning application or denial or approval of a contract zoning application except for a direct appeal to Superior Court upon the final municipal determination. Such appeal to Superior Court shall be in accordance with State law.
- 5.4.2.5 When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing.
 - A. At this time the Board may receive and consider new evidence and testimony, be it oral or written.

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- B. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.
- 5.4.2.6 When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board.
- A. The Board of Appeals may only review the record of the proceedings before the Planning Board.
 - B. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments.
 - C. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.
- 5.4.3 Appeal to Superior Court
- 5.4.3.1 Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty- five (45) days from the date of any decision of the Board of Appeals.
- 5.4.3.2 Reconsideration
- A. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision.
 - B. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered.
 - C. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision.
 - D. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s).

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- E. The Board may conduct additional hearings and receive additional evidence and testimony.

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

5.5 Appeal Procedure

5.5.1 Making an Appeal

5.5.1.1 An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any administrative decision of the Code Enforcement Officer or the Planning Board except for enforcement-related matters as described in Section 5.4.2 above.

- A. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

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

- A. A concise written statement indicating what relief is requested and why the appeal or variance should be granted;
- B. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought;
- C. Applicant shall bear the cost of all public notices, mailings, advertising and related expenses.

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

5.5.1.4 The Board of Appeals shall hold a public hearing on administrative appeal or a variance within thirty-five (35) days of its receipt of an appeal request complete written application, unless this time period is extended by the parties.

5.5.2 Decision by the Board of Appeals

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

5.5.2.2 The person filing the appeal shall have the burden of proof.

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- 5.5.2.3 The Board shall decide all administrative appeals and variance within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- 5.5.2.4 The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board.
 - A. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant (and to the Department of Environmental Protection if the appeal is related to shoreland zoning) within seven (7) days of the Board's decision.
 - B. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

5.6 Enforcement

5.6.1 Nuisances

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

5.6.2 Code Enforcement Officer

- 5.6.2.1 It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.
 - A. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions.
 - (i) A copy of such notices shall be maintained as a permanent record.
- 5.6.2.2 The Code Enforcement Office shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals.
- 5.6.2.3 The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

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

5.6.3 Legal Actions

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

5.6.4 Fines

- 5.6.4.1 Any person including but not limited to a landowner, a landowner's agent or a contractor who violates any provision or requirement of this Ordinance after receiving notice of such violation shall be penalized in accordance with Title 30-A, M.R.S.A. Maine Revised Statutes Annotated, Sub section 4452.
 - A. NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues.

5.6.5 Designation of Enforcement Officer, 30-A MRSA 4452

- 5.6.5.1 The Code Enforcement Officer of the Town of Trenton is designated to act on behalf of the Town of Trenton pursuant to 30-A MRSA 4452, in enforcement of land use laws and Ordinances, as set forth in 30-A MRSA 4452, and regulated currently under the Maine District Court Rules of Civil Procedure, Rule 80K.

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- A. This designation of enforcement capacity by said Code Enforcement Officer shall not be exclusive, and shall not prevent other municipal officers or others from being designated by municipal officers to act in an enforcement capacity with respect to these and other Ordinances and/or statutes, regulations and provisions of the Town Code.
- B. In the absence of the Code Enforcement Officer or his/her failure to act, the municipal officers are expressly empowered to designate another to act as an Enforcement Officer for purposes of enforcing the provisions of this Ordinance or otherwise.

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6.1 Authority

Subject to the conditions and/or restrictions and in accordance with the state of Maine Planning and Land Use Laws, 30-A M.R.S.A., Section 4352, Sub-Section 8, property in the town of Trenton in the Gateway, Rural Commercial and Rural Development Districts that meets specified conditions may be rezoned by a process known as contract zoning.

6.2 Purpose

6.2.1 The town of Trenton Land Use Ordinance and Comprehensive Plan provide for the orderly development and use of property. However, situations may arise where the unusual nature or unique location of a project or a proposed use of a property cannot be accommodated under the Land Use Ordinance. Traditional procedures such as granting a variance for dealing with the incompatibility may also prove to be inappropriate. In these special situations, more flexible and adaptable zoning methods may permit a project or use of a property without, at the same time, compromising the intent of the town of Trenton Land Use Ordinance or Comprehensive Plan.

6.2.2 A contract zone, as defined by state statute, provides for property to be rezoned in order to accommodate an owner's intended use or development when land use Ordinance requirements cannot be met. A contract zone, when approved, represents a deviation from the Trenton Land Use Ordinance standards, and as such, is subject to the conditions established in the contract agreement and is an amendment to the Trenton Land Use Ordinance. In consideration of a request for contract zoning, the town, in agreement with a property owner, may find it necessary or appropriate to grant or impose conditions or restrictions upon rezoned property that do not apply to other properties in Trenton.

6.2.3 Contract Zoning shall be compatible with the zoning requirements and permitted use standards of the zoning district(s) in which the property to be rezoned lays. All contract zoning proposals shall:

6.2.3.1 Be consistent with the local growth management program;

6.2.3.2 Establish rezoned areas that are consistent with the existing and permitted uses within the original zones;

6.2.3.3 Occur only in the Gateway, Rural Commercial and Rural Development districts;

6.2.3.4 Apply only to uses that exceed one acre of impervious surface; and,

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- 6.2.3.5 only include conditions and restrictions that relate to the physical development or operation of the property.

6.3 Procedure

- 6.3.1 Initiation of a request for a Contract Zone shall be with the Planning Board during a pre-application conference during which a preliminary sketch plan depicting the general scope of the project is presented.

- 6.3.1.1 An applicant planning a project shall first consult with the Planning Board to determine whether, in the opinion of the Planning Board, the proposal is consistent with the provisions of the Trenton Land Use Ordinance and the Comprehensive Plan.

- 6.3.1.2 If the proposal satisfies the objectives of the Comprehensive Plan but does not meet the requirements of the Land Use Ordinance, the applicant may initiate a contract zoning request.

- 6.3.1.3 If, in the opinion of the Planning Board, the proposed project does not conform to the Trenton Land Use Ordinance and Comprehensive Plan, the Planning Board may recommend that the applicant revise the proposal for acceptability under the governing documents.

- 6.3.1.4 If the Planning Board finds that, based on the information submitted, the proposal appears suitable for contract zoning per the terms of this Ordinance, the applicant shall draw up a preliminary proposal indicating the nature, scope and location of the proposed project. This document shall be presented to the Planning Board as a preliminary contract zoning application.

- 6.3.1.5 Any proposal to amend the town's zoning map through the establishment of a contract zone shall be accompanied by a non-refundable fee in such amount(s) and for such purpose(s) as the Board of Selectmen may from time to time establish, which shall be paid at the time the request is filed with the Planning Board.

- A. To help recover costs incurred by the town in the review, administration, site inspection, and public notice associated with the contract zone proposal, the following fees and deposit in such amount(s) and for such purpose(s) as the Board of Selectmen may from time to time establish shall be paid by the applicant to the town of Trenton at the time of filing the contract zone proposal:

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- (i) Publishing, notification of abutters and related public notice fees;
- (ii) Review fee;
- (iii) Town counsel fees;
- (iv) Town meeting expense fee; and,
- (v) Independent consulting and peer review escrow account to be established with the town.

6.3.2 Application to the Planning Board

- 6.3.2.1 The Planning Board shall schedule the application on the Planning Board agenda upon receipt of the appropriate documents at least 14 days in advance of the scheduled Planning Board meeting.
- 6.3.2.2 The Planning Board shall post notice of the time, date and place of the Planning Board meeting twice, the first publication shall be at least 14 days prior to the Planning Board meeting and the second notice shall be published not less than 7 days prior to the Planning Board meeting. The notice shall be published in a newspaper of general circulation in Trenton.
- 6.3.2.3 In addition, at least 14 calendar days prior to the Planning Board meeting, the Planning Board shall notify property owners within 500 feet of the property lines of the proposed contract zone, with proof of mailing required. Owners of properties shall be those listed in the most recent tax records of the town of Trenton. This notice shall contain information indicating the nature, scope and location of the proposed project, as well as the Planning Board meeting information. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board.
- 6.3.2.4 The Planning Board shall limit the review of the applicant's proposal to material relevant to the contract zoning provisions contained in the town of Trenton Land Use Ordinance.
- 6.3.2.5 The application shall include the following:
 - A. Evidence of right, title or interest in the property;
 - B. A site plan prepared by a registered engineer or surveyor showing the surveyed boundaries of the parcel and its dimensions, as well as the existing and proposed buildings and structures;
 - C. A plan showing the location of existing streets and driveways within five hundred (500) feet of the property;

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- D. A detailed statement of the proposed use of the property and the precise zoning change requested;
- E. A statement explaining how it is consistent with the Comprehensive Plan and permitted and existing uses within the original zone;
- F. A description of the property's unusual nature or unique location;
- G. A statement setting forth the conditions or restrictions that the applicant proposes. The Planning Board may propose additional conditions or restrictions.

6.3.3 Review of the Application by the Planning Board

6.3.3.1 In its examination to determine the suitability of a proposal for contract zoning, the Planning Board shall consider, among other factors, the following:

- A. The reason why the applicant is requesting a contract zone agreement;
- B. Compatibility and consistency with the Land Use Ordinance;
- C. Compatibility and consistency with the Comprehensive Plan;
- D. The implications of the proposed project, or the use of the property, for owners of surrounding properties and the neighborhood in general;
- E. The short and long-term benefits and costs to the town of Trenton and the interests, safety, and general welfare of its citizens;
- F. Input, where appropriate, from the general public, town officials and town boards and committees;
- G. Unusual nature or location of land; and,
- H. Proposed conditions of approval are sufficient to meet the intent of this Ordinance and other land use Ordinances and regulations in Trenton.

6.3.3.2 When determining the terms of a contract zoning agreement, the Planning Board may consider public comments and, among other factors, the following:

- A. Limitations on the number and type of uses permitted;
- B. Restrictions on the scale and density of the project, including the height, lot coverage and other bulk and space provisions;
- C. Limitations on the hours and conditions of operation;

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- D. Specifications for the design, location, layout, and use of the buildings and other improvements;
- E. Schedules for the commencement and completion of construction;
- F. Performance guarantees securing completion and maintenance of improvements and guarantees against defects;
- G. Preservation and maintenance of natural areas and features, including open space, views and buffers;
- H. Protection of land and water resources;
- I. Preservation and protection of historic and archaeological sites;
- J. Contribution toward the provision of municipal services and infrastructure required by the project and other projected municipal costs associated with the project;
- K. Provisions for enforcement and remedies for breach of any condition or restriction, including the timing of the effective date of the change and its repeal should conditions not be met; and,
- L. the dedication or conveyance of property for public purposes, including but not limited to, streets, easements, parks and utility systems.

6.3.3.3 If the Planning Board and the applicant do not reach an agreement on the terms of the contract zoning application, the application shall be denied and the request of the applicant for a contract zoning amendment is terminated. There shall be no appeal to the Board of Appeals if a contract zoning application is terminated.

6.3.4 Joint Review by the Planning Board and Board of Selectmen

- 6.3.4.1 If the Planning Board, reaches an agreement with the applicant, the Planning Board shall initiate within 30 days a joint review of the proposed contract zoning agreement with the Board of Selectmen and the applicant.
- 6.3.4.2 The purpose of the joint review is to familiarize the Board of Selectmen with the proposed contract zoning agreement and to give the selectmen the opportunity to view the proposed contract zoning agreement.
- 6.3.4.3 The review shall include the determination that:
 - A. The town's interest is adequately protected and served by the proposed contract zoning agreement;

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- B. The costs to the town do not exceed the benefits.
- 6.3.4.4 If the Planning Board and Selectmen have reached agreement on the terms and wording of the proposed contract zoning agreement, the applicant shall submit a letter confirming the applicant's agreement on the terms and wording of the proposed contract zoning agreement.
- 6.3.4.5 If the Planning Board and selectmen do not agree on the terms and wording of the proposed contract amendment, the application is denied and the applicant's request for a contract zoning amendment is terminated.
- A. There shall be no appeal to the Board of Appeals if a contract zoning application is terminated.
- 6.3.5 Continuation of Planning Board Review of the Proposed Contract Zoning Agreement
 - 6.3.5.1 The Planning Board shall continue its review and take a formal vote to submit the proposed contract zoning agreement to a public hearing. The Planning Board shall schedule a public hearing no later than 30 days following its vote to submit the proposed contract zoning agreement to public hearing. The public notice and hearing shall follow the procedure below:
 - A. Notice of the public hearing shall be posted in the town clerk's office at least 14 days prior to the public hearing. The notice shall be published by the applicant at least two times in a newspaper of general circulation within the Town. The date of the first publication shall be at least 7 days prior to the public hearing. Notice shall be sent to the last known address of owners whose properties are within 500 feet of the property lines of the proposed contract zone, with proof of mailing required. This notice shall contain the conditions and restrictions together with a map showing the contract zoning property. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board.
 - B. The public hearing shall be conducted by the Planning Board chair or acting chair.
 - C. A record of the public hearing shall be made for public record.
- 6.3.6 Final review by Planning Board
 - 6.3.6.1 Following the public hearing, the Planning Board shall review all comments and recommendations from the public hearing and make changes where deemed necessary. In this final review, the Planning Board shall determine whether the proposed contract zoning agreement:

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- A. Is consistent with the Town of Trenton Land Use Ordinances;
- B. Is consistent with the Town of Trenton Comprehensive Plan;
- C. Establishes rezoned areas that are consistent with the existing permitted uses of the original zone(s);
- D. Includes only such conditions and restrictions that relate to the physical development or operation of the property.

6.3.6.2 If any substantive changes are made in the proposed contract zoning agreement, another public hearing shall be held.

- A. If there are no substantive changes, then, upon final review by the Planning Board, the proposed contract zoning shall be placed as a warrant article for town meeting.
- B. All costs related to scheduling and holding the town meeting shall be borne by the applicant.

6.3.7 Town Meeting Approval

6.3.7.1 The Board of Selectmen shall then place the proposed contract zoning agreement on the warrant for a town meeting.

6.3.7.2 The proposed contract zoning agreement may be approved by the town meeting with a majority vote.

6.3.7.3 If the proposed contract zoning agreement is not approved by the town meeting, it may not be resubmitted for a minimum of two years after the date of disapproval.

6.3.8 Administration

6.3.8.1 Upon approval of the contract zoning agreement by the town meeting, the Trenton Land Use Ordinance and Trenton Zoning Map shall be amended to reflect the incorporation of the contract zone. Conditions and restrictions pertaining to the contract zone shall also become part of the record. If deemed appropriate by the Planning Board, conditions shall also be recorded through measures such as, but not limited to, deed restrictions, covenants and easements.

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6.3.8.2 Effective date of contract zoning agreement. The date of the signing of the contract zoning agreement shall occur no later than 30 days following the date of the town meeting that the contract zoning agreement was approved. Subject to approval by state and federal agencies, the contract zoning agreement shall be deemed to become both effective and binding when signed. Its terms, conditions and restrictions together with the Trenton Land Use Ordinance, any other applicable Trenton Ordinances, codes or regulations, and Town of Trenton Comprehensive Plan shall thereafter govern the proposed project and/or use.

6.3.8.3 Violation and Termination of Contract Zoning Agreement

- A. If the CEO and/or other entity charged with enforcement in the contract zoning agreement find the developer or property owner, to be in violation of the terms of the contract zoning agreement, enforcement shall follow the procedure established in Section 5.6 the Trenton Land Use Ordinance and any other specific enforcement measures contained in the contract zoning agreement.
- B. If the developer or property owner does not meet the time limits prescribed by the contract zoning agreement, or abandons the project, the contract zoning agreement shall become null and void. If this occurs, the property shall revert to the underlying or former zoning and shall be made to comply with the requirements for said zone.

6.4 Severability

Should any section or provision of the contract zoning provisions contained within the town of Trenton Land Use Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section, article or provision of the town of Trenton Land Use Ordinance.

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7.1 Construction of Language

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

- A. The word "person" and "applicant" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual;
- B. The present tense includes the future tense;
- C. The singular number includes the plural, and the plural includes the singular;
- D. The word "shall" is mandatory, and the word "may" is permissive;
- E. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied";
- F. The word "building" includes the word "structure", and the word "dwelling" includes the word "resident";
- G. The word "lot" includes the words "plot" or "parcel".

7.1.2 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.

7.1.3 Terms not defined herein shall have the customary dictionary meaning.

7.2 Definitions

7.2.1 For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:

Abutter: The owner of any property with one or more common boundaries, or across the street or stream from the property involved in and application or appeal.

Access Drive: A private roadway primarily intended to transport vehicles from a public or private way to a point within private property.

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

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

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

Alteration: A change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or portion to another.

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

Auto Repair Garage: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; over-all painting and under-coating of automobiles.

Auto Service Station: A place where gasoline, or any other engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

Basal Area: The area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement: Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public by the owner for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. Otherwise, it shall be classified as a hotel/motel. There shall be no provision for cooking in any individual guest room.

Boarding House or Tourist Home: Any dwelling in which lodging is offered for compensation to three or more persons either individually or as families with or without meals.

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Building: A structure enclosed with a roof, exterior walls or firewalls, built, erected and designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

Building Height: The vertical distance between the mean elevation of the finished grade along the front of the building and the highest point of the roof.

Bureau: State of Maine Department of Conservation's Bureau of Forestry.

Business and Professional Offices: A building in which there is located the office of an architect, accountant, dentist, doctor of medicine, lawyer or other professional, or in which a business conducts its administrative, financial or clerical operations, but not including any manufacturing or sale of goods or merchandise.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy (tree) (for building canopy see structure): The more or less continuous cover formed by tree crowns in a wooded area.

Caregiver Retail Store: A commercial store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer cannabis plants or harvested cannabis for sale to qualifying patients.

Caregiver: A person or an assistant of that person that provides care for a qualifying patient in accordance with Maine Title 22, Chapter 558-C Section 2423-A, Subsection 2.

Cluster Development: The development, according to an approved plan, of a large tract of land (minimum 15 acres in size) where three (3) or more buildings are built simultaneously on lots smaller than normally required in the district where located, provided the overall density of the development of the tract does not exceed the density or requirements of the district and land not built upon is permanently preserved as common "open space". The term also refers to a Planned Unit Development.

Code Enforcement Officer: A person appointed by the municipal officers 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.

Comprehensive Plan: A document or interrelated documents adopted by town of Trenton containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and strategies for implementation of the policies.

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Conditional Use Permit: A permit authorized by the Planning Board for a conditional use. A conditional use permit may be issued only after the applicant has followed the procedures and complied with the standards of this Ordinance.

Contract Zoning: A change of zoning district designation as provided in 30-A M.R.S.A. § 4352 in which conditions may be proffered by an applicant and attached to a change in district designation by means of a contract entered into by the applicant and the town and filed in the Hancock County Registry of Deeds. Such zoning must comply with statutory requirements for consistency with the town's Comprehensive Plan.

Convenience Store: A small, neighborhood establishment retailing food and related commodities, excluding storage or sale of petroleum products. It may contain a takeout window and no more than 10 seats inside.

Coverage: See Lot Coverage.

DBH: The diameter of a standing tree measured 4.5 feet from ground level.

Density: The number of dwelling units per area of land.

Density Bonus: The granting by the Planning Board of additional development capacity in exchange for the provision of a public benefit or amenity).

Development: Any land use activity directed toward using, reusing, or rehabilitating air space, land, water or other natural resources.

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

Disability: Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

District: A specified portion of the Municipality, delineated on the Official Land Use Districts Map, within which certain regulations and requirements or various combinations thereof apply uniformly under the provisions of this Ordinance.

Driveway: A vehicular access-way less than five hundred (500) feet in length serving 2 single-family dwellings or less.

Duplex: See Dwelling, Two-Family or Duplex.

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(Dwelling) Apartment: A dwelling unit to be occupied by one family grouping, consisting of a room or suite or two or more rooms, in a permanent residential building or in a permanent residential portion of a non-residential building, not to include hotels, motels, or other lodging places which provide travel/vacation/seasonal facilities.

(Dwelling) Single Family, Single Family Dwelling, or Single-Family Dwelling Unit: A fixed, freestanding, permanent residential building containing no more than one dwelling unit, which is designed, constructed and equipped for occupation by one family grouping. This term shall include a manufactured housing unit but not hotels, motels, or other lodging places which provide travel/vacation/seasonal facilities. This term shall also not include campers, travel trailers, recreational vehicles or travel/vacation/seasonal "tourist cabins" constructed and/or managed for commercial rental unless the unit(s) are located in the Commercial District and meet all applicable local and State requirements for commercial land use.

(Dwelling) Multi-Family or Multi-Family Dwelling: A fixed freestanding, permanent, residential building, or residential portion of a non-residential building, containing more than two but no more than eight separate apartments, each to be occupied by one family grouping, and not including hotels, motels, or other lodging places which provide travel/vacation/seasonal facilities.

(Dwelling) Two-Family or Duplex: A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or by an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. This term does not include hotels, motels, or other lodging places which provide travel/vacation/seasonal families.

Dwelling Unit: An enclosed area designed, constructed and equipped for residential use by one family grouping exclusively with separate floor areas containing separate, distinct, and identified facilities for cooking, eating, bathing/toilet, sleeping, and general indoor residential activities in the respective floor areas, all of which is located in a permanent residential building or in a permanent residential portion of a non-residential building. Specifically, not included are hotel, motel, or other lodging places which provide travel/vacation/seasonal facilities.

Earth: Topsoil, sand, gravel, clay, peat, rock or other natural minerals.

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

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

Establishment: A place of business carrying on operations which are physically separated and distinct from those of any other place located on the same lot.

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

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

Family - one or more persons occupying a premise and living as a single housekeeping unit.

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

Floor Area, Ground: The sum, in square feet, of the floor area of the first or ground floor of a building, as measured from the interior faces of the exterior walls.

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

Forest Stand: A contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Foundation: The supporting substructure of a building or other structure, excluding wooden sills and post supports, including but not limited to including basements, slabs, sills, posts or frostwalls, or other base consisting of concrete, block, brick or similar material.

Frontage, Street: The horizontal distance straight line between the intersections of the side lot lines with the front lot line.

Grade: In relation to buildings, the average of the finished ground level at the center of each wall of a building.

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

Harvest Area: The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Hazardous Material: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, designated as hazardous by the Maine Department of Environmental Protection.

Height of a Structure: The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances to a structure which have no floor area.

Home Occupation or Profession: An accessory use generally of a service character customarily conducted within a dwelling unit or accessory structure by a resident thereof, which is clearly secondary to the use of the dwelling unit for residential purposes and does not change the character thereof, and which employs no more than two (2) persons other than family members residing in the home. Caregiver dispensing of medical cannabis is not a permitted home occupation in any district.

Increase in nonconformity of a structure: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. Included in this allowance are expansions which in-fill irregularly shaped structures.

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

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

Industrial Park: An area of land developed exclusively to industrial and associated uses.

Impervious Surface: The area that is or will be covered by:

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- A. buildings and associated constructed facilities;
- B. a low-permeability material such as asphalt or concrete; and/or
- C. gravel roads and parking areas that will be compacted through use or design so as to reduce their permeability.

Common impervious areas include, by way of example, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, compacted gravel, packed earthen materials, macadam, and other surfaces that impede the natural infiltration of stormwater.

Kennel: An establishment in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee.

Land Management Road: A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Landscaping: The combination of natural elements such as trees, shrubs, groundcovers, vines, or other organic and inorganic materials, which are installed for purposes of creating an attractive and pleasing environment, screening unsightly views, reducing environmental impacts, and filtering matter from air.

"Cultivated Landscaping": Shall mean manmade planted areas that require pruning, fertilizing and tending on a more frequent basis.

Light Manufacturing: The fabrication or processing of materials into the finished product, the weight of which shall not exceed three hundred (300) pounds.

Licensed Forester: A forester licensed under 32 M.R.S.A. Chapter 76.

Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Local Growth Management Program: "Local Growth Management Program" shall mean the town has adopted a growth management program that certified by the Executive Department, State Planning Office, under 30-A M.R.S.A. § 4347-A.

Lot: A parcel of land in single ownership or leasehold having distinct and defined boundaries described in a deed, plot, or similar legal document.

Lot Area: The total horizontal area within the lot lines minus land below the normal high- water line of a tributary stream or the upland edge of a wetland, and areas beneath a road serving more than two lots.

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Lot Coverage: The percentage of the lot covered by all buildings and impervious surfaces such as paved roads and parking lots.

Lot Depth: The mean horizontal distance between the front and rear lot lines, measured within the lot boundaries.

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

Front Lot Line: The line separating the lot from a road and ordinarily regarded as the front of the lot.

Rear Lot Line: The lot line generally opposite the front lot line.

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

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 County Register of Deeds or in common use by municipal officials.

Lot Width: The closest distance between the side lot lines of a lot or the width of an imaginary square that will fit entirely within the lines of the lot.

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

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

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

Mineral Extraction: Any removal, other than for specimens or samples, of sand, gravel, topsoil, peat or other minerals.

Multi-unit Residential: See 'Dwelling (Multi-Family)'.

Municipal Facility: A structure which is open to the public and which is owned by the Town of Trenton and operated under its supervision.

Native Vegetation: Indigenous to the local forests.

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

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

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

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

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

Overlay Land Use District: An overlay land use district is a mapped zone that imposes additional requirements upon the underlying land use district. In those areas where an overlay land use district exists, land is placed simultaneously into two land use districts and development must comply with the conditions and requirements of both districts.

Pedestrian Walkway: A surfaced walkway, separate from the traveled portion of a public or private right-of-way, parking lot or driving aisle.

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

Principal Structure: A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use: A use other than one which is wholly incidental or accessory to another use on the same premises.

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

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Public Water Supply: Any publicly or privately-owned system of pipes, structures and facilities through which water is obtained for or sold, furnished or distributed to the public for human consumption; if such system has at least 15 service connections or serves at least 25 individuals daily at least 60 days out of the year.

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

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

Reconstruction: The restoration, remodeling or rebuilding of a non-conforming structure, whether necessitated by deterioration, obsolescence, casualty or other occurrence, where the costs of such work equal or exceed the value of the property in its existing condition.

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

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

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

Residual basal area: The average of the basal area of trees remaining on a harvested site.

Residual Stand: A stand of trees remaining in the forest following timber harvesting and related activities.

Retail Establishment: Any business, housed in a permanent structure, engaged primarily in the sale of goods and/or services to the ultimate consumer for direct consumption and/or use, but not for resale. Includes any enclosed restaurant, cafe, shop or store for the sale of retail goods, but shall exclude any free-standing (non-permanent) retail stand, trailer, or similar uses.

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Riprap: Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

Road: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Portable Storage Unit: A fully enclosed container for temporary use during construction, demolition, moving, or temporary storage. Includes sea containers, shipping containers, semi-truck trailers, box trucks, and other storage facility provided containers. These may not be converted or used as a dwelling unit.

Private Road: A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.

Public Road: A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

Screening: A hedge or buffer strip at least five (5) feet wide, consisting of densely planted shrubs or trees at least four (4) feet in height at the time of planting, and eventually reaching a mature height of at least six (6) feet in height, but not exceeding eight (8) feet, which provides an effective visual barrier.

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

- A. in the case of electric service:
 - (i) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - (ii) the total length of the extension is less than one thousand (1,000) feet.
- B. in the case of telephone/cable service:
 - (i) the extension, regardless of length, will be made by the installation of wires to existing utility poles, or
 - (ii) the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Service Establishment: Any business which provides a service for hire by others, conducted through the application of some specialized knowledge, training, skill, or talent, or through the employ of physical exertion or other effort in the performance of some special action or work not of a manufacturing nature.

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Shrubs: A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at its maturity.

Skid Road or Skid Trail: A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash: The residue, e.g., treetops and branches, left on the ground after a timber harvest.

Source water protection area: The area that contributes recharge water to a surface water intake or public water supply well as determined by the Maine Drinking Water Program.

Structure: Anything temporarily or permanently located, built, constructed, or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface wastewater disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

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

Subsurface sewage disposal system: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. Such cutting or removal of trees shall be regulated pursuant to Section 4.2.3, *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Tree: Any self-supporting woody perennial plant which has a DBH (diameter at breast height) of two inches or more and which normally attains an overall height of at least 15 feet at maturity, usually with one main stem or trunk and many branches.

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Use: The purpose for which land of a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

Conditional Use: A use permitted only after review and approval by the Planning Board. 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 purpose of this Ordinance.

Conforming Use: A use of buildings, structures or land which conforms with all applicable provisions of this Ordinance.

Open Space Use: A use which does not disturb the existing state of land except to restore the land to a natural condition.

Permitted Use: A use which may be lawfully established in a particular district, provided it conforms with all the requirements, standards and regulations of such district.

Variance: A relaxation of terms of this Ordinance where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship.

Vegetation: All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Vegetation, native: Any plant species with a geographic distribution indigenous to all or part of the State of Maine.

Velocity zone: An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

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

Warehouse: Includes warehouse, wholesale establishment, bulk storage, or bulk sales outlet.

Wholesale Establishment: Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to customers.

Wildlife: All vertebrate species (animals with backbones), except fish.

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Wildlife Management Practices: Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation, controlled burning, planting, impounding water, controlled hunting and trapping, relocation of wildlife, predator and disease control, and installation of artificial nesting sites, provided that such activities are specifically controlled and designed for the purpose of managing such species.

Yard: The area of land on a lot not occupied by buildings.

Front Yard: The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

Rear Yard: The open, unoccupied space on the same lot with the principal building between the rear lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

Side Yard: The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear line or a front line shall be deemed a side line.

Windfirm - The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation: Live trees or woody, non-herbaceous shrubs

ARTICLE VIII. SOLAR ENERGY SYSTEMS

8.1 PURPOSE

Pursuant to the Maine Legislative findings and goals as defined by MRS Title 35-A, Chapter 34-B, *The Maine Solar Energy Act*, and MRS Title 33, Chapter 28-A, *Solar Rights*, the purpose of this Article is to allow for and encourage the construction and operation of private or public solar energy generation systems to produce energy for use on-site or off-site, by establishing appropriate standards to ensure safe, effective and efficient use of solar energy systems compatible with surrounding uses.

8.2 APPLICABILITY

- 8.2.1 All applicants for the installation or replacement of all solar energy systems or devices, expansion of any existing solar energy system, or installation of associated facilities must obtain a building permit from the Code Enforcement Officer or a Conditional Use Permit from the Planning Board as outlined in Section 8.4.
- 8.2.2 The requirements of this Article shall apply to all small, medium and large-scale solar energy systems, whether roof, building, or ground mounted, installed or modified after adoption of this Article.
- 8.2.3 All solar energy systems or devices shall be designed, erected, and installed in accordance with all applicable local, state and federal codes, regulations and standards.
- 8.2.4 The requirements set forth in this Article shall be in addition to all other requirements in the Trenton Land Use Ordinance and other applicable Trenton Ordinances.

8.3 DEFINITIONS

For the purposes of this Article, the following words and phrases shall have the following meanings:

Accessory-use Solar Energy System – roof and/or ground-mounted solar energy system solely for on-site residential or business electrical power consumption.

Building integrated solar energy system: A solar energy system that is an integral part of a principal or accessory building, contained within roofing materials, windows, walls, skylights, and awnings.

Expansion of a Solar Energy System: Any physical modification to an existing solar energy system which alters the total rated capacity, size, type, or location of the system or its associated equipment.

ARTICLE VIII. SOLAR ENERGY SYSTEMS

Ground mounted solar energy system (also known as free-standing solar energy system): A solar energy system that is structurally mounted on or to the ground. The panels may be stationary or sun tracking.

Roof-mounted solar energy system: A solar energy system in which solar panels are mounted on top of a building or structure either as a flush-mounted system or as modules fixed to frames which can be tilted at an optimal angle toward the sun.

Solar Panel: A frame mounted assembly of multiple connected photovoltaic cells used to generate direct current electricity.

Solar Array: Multiple photovoltaic panels combined to create a solar energy system.

Solar Energy System: A complete assembly consisting of one or more photovoltaic panels and associated mounting hardware or equipment intended to provide for the collection, storage and distribution of solar energy for electricity generation.

Total height of a solar energy system: The total vertical distance as measured from the average elevation of the finished grade adjacent to the fixed base of the support structure, to the highest part of the installed system.

8.4 PERMITTING

- 8.4.1 Solar energy systems are allowed in those districts identified, and subject to permits/approvals as set out in Table 8.4.2 below, and subject to compliance with the associated standards in Section 8.5. The level of review relates to the scale of the proposed system and whether they comply with zoning, and the zoning context.

P = allowed as a **permitted** use by the Code Enforcement Officer (CEO) if the solar energy system complies with district requirements and Section 8.5 of this Article, and are located to rear and side of the site wherever possible, the CEO will issue a building permit.

C = allowed as a **conditional** use upon approval by the Planning Board and subject to meeting performance standards in Section 8.5, the submittal requirements in 8.6, and the technical standards outlined in Section 8.7; a building permit would also be required from the CEO after approval by the Planning Board.

ARTICLE VIII. SOLAR ENERGY SYSTEMS

8.4.2 Solar System Required Permitting Table

	Airport Commercial/ Industrial	Business Park	Gateway Commercial	Residential Growth	Residential Rural	Rural Commercial	Rural Development	Village	Airport Hazard Overlay
Accessory-use Residential Roof-mounted and/or Ground-mounted	C	C	C	P	P	P	P	P	P
Accessory-use Business/Commercial Roof-mounted and/or Ground-mounted	C	C	C	C	C	C	C	C	C

ARTICLE VIII. SOLAR ENERGY SYSTEMS

8.5 STANDARDS.

All solar energy systems shall meet the following standards as indicated:

8.5.1 Standards applicable to all solar energy systems, whether permitted or conditional use:

8.5.1.1 All applications for **permitted** solar energy systems shall meet the submittal requirements as specified in this Trenton Land Use Ordinance.

8.5.1.2 Application requirements for solar energy system projects requiring a **Conditional Use Permit** review by the Planning Board of solar energy systems shall address the submittal requirements set out in Section 8.6 herein.

8.5.1.3 The **maximum height** for all solar energy systems shall be:

A. **Ground mounted:** 12 feet maximum, as measured vertically from the average elevation of the finished grade adjacent to the fixed base of the support structure, to the highest part of the installed system.

B. **Roof mounted** or building integrated for all districts:

(i) Shall be flush mounted on the roof whenever possible and shall comply with the maximum building height allowed for that district.

(ii) If a support structure is installed to optimize the sun capture angle, then the maximum height must comply with the maximum building height.

8.5.1.4 **Lot Coverage:** For ground mounted solar energy systems only the actual part(s) of the structure's base and any buildings or other structures that are part of the installed solar energy system and any associated driveways or walkways shall be included in the calculation of lot coverage. The area below the installed solar panels is deemed to be pervious as long as it remains vegetated and unless compacted, paved, or otherwise rendered impervious.

8.5.1.5 **Setback Requirements:** All ground mounted and building integrated solar energy systems shall comply with all setback requirements in Article IV for the applicable district.

8.5.1.6 **Technical and Safety:** Solar Energy Systems shall be installed in compliance with all applicable Federal, State and Local requirements including but not limited to the National Fire Protection Association (NFPA), Fire Prevention Code and the National Electrical Code.

