

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

1.1 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.

1.2 Airport Commercial/Industrial District (ACI)

1.2.1 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.

1.2.2 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.

1.2.3 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, Small, and Medium & Large-Scale Ground Mounted and Dual Use Solar Energy Systems; and
- Accessory uses.

1.3 Trenton Business Park District

1.3.1 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.

1.3.2 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.

1.3.3 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, Small, Medium & Large-Scale Ground Mounted and Dual Use Solar Energy Systems, except as noted in Table 8.4.2.

1.3.4 Landscaping Requirements

1.3.4.1 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.

1.3.4.2 . 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.

1.3.4.3 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

1.3.4.4 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.

1.3.4.5 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 de ad 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.

1.3.4.6 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

1.3.4.7 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.

1.4 Gateway Commercial District (GC)

1.4.1 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.

1.4.2 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.

1.4.3 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, Small, **and** Medium **& Large**-Scale Ground Mounted and Dual Use Solar Energy Systems; and
- Accessory uses.

1.5 Residential Growth District (RG)

1.5.1 Purpose

~~To provide for residential~~ **To encourage residential housing development and growth** in such a manner and at such locations as are compatible with **accessible infrastructure and to encourage passive development of interior land not presently accessible, including but not restricted to farming, utilities and recreation.** ~~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.~~

1.5.2 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.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- 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 Building Integrated only; and
- Accessory uses.

1.5.3 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 – Small, Medium & Large-Scale Ground Mounted and Dual Use Solar Energy Systems, except as noted in Table 8.4.2; and
- Accessory uses.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

1.6 Residential Rural District (RR)

1.6.1 Purpose

To provide for residential and rural development and growth in such a manner and at such locations as are compatible with accessible infrastructure and to encourage passive development of interior land not presently accessible, including but not restricted to farming, utilities and recreation. ~~in a primarily rural setting. Other uses allowed in the Residential Rural District are those that are compatible with traditional rural neighborhoods.~~

1.6.2 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 Building Integrated only; and
- Accessory uses.

1.6.3 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

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- Cluster developments;
- "Convenience stores" having less than 300 square feet of floor space;
- Earth moving activities involving over 100 cubic yards;
- Home occupations;
- Solar **Energy** Systems - Small, Medium & Large-Scale Ground Mounted and Dual Use Solar Energy Systems, except as noted in Table 8.4.2; and
- Accessory uses.

1.7 Rural Commercial District (RC)

1.7.1 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.

1.7.2 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.-

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

III.A;

- clearing of vegetation for approved construction and other allowed uses;
- Solar **Energy** Systems - Roof Mounted and Building Integrated only; and
- Accessory uses.

1.7.3 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 -Small Scale Ground Mounted Solar Systems, except as noted in Table 8.4.2; and
- Accessory uses.

1.8 Rural Development District (RD)

1.8.1 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

1.8.2 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 Building Integrated only; and
- Accessory uses.

1.8.3 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 square feet of floor space;

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- 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 - Small, Medium & Large-Scale Ground Mounted and Dual Use Solar Energy Systems, except as noted in Table 8.4.2; and
- Accessory uses.

1.9 Village District (V)

1.9.1 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.

1.9.2 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 Building Integrated only; and
- Accessory uses.

1.9.3 Conditional Uses

1.9.3.1 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:

- Automobile repair and service stations;

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- 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 - Small, ~~and~~ Medium ~~& Large~~-Scale Ground Mounted and Dual Use Solar Energy Systems.

1.9.3.2 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 - Small, ~~and~~ Medium ~~& Large~~-Scale Ground Mounted and Dual Use Solar Energy Systems; and
- Accessory uses.

1.9.3.3 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

1.10 Airport Hazard Overlay Land Use District (A)

1.10.1 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”.

1.10.2 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.

1.10.2.1 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.

1.10.2.2 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.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

1.10.2.3 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.

1.10.2.4 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.

1.10.3 Area Regulations

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

1.10.3.1 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).

1.10.3.2 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.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- 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.

1.10.3.3 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.

1.10.3.4 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.

1.10.3.5 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.

1.10.4 Non-conforming Uses of Structures

1.10.4.1 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.

1.10.4.2 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

1.11 Route 3 Corridor Overlay Land Use District

1.11.1 Applicability and Purposes

1.11.1.1 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.

1.11.1.2 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.

1.11.2 Delineation of the District

1.11.2.1 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.

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

1.11.2.3 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.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

1.11.3 Area Regulations

1.11.3.1 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.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- (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.

1.11.3.2 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.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- (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:

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- (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.

1.11.3.3 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.

1.11.3.4 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;

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

- 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.

1.11.3.5 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.

1.11.4 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:

- 1.11.4.1 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;
- 1.11.4.2 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

- 1.11.4.3 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.

1.11.5 Density Bonus

- 1.11.5.1 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.
- 1.11.5.2 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.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

1.11.6 Preservation of Landscape

- 1.11.6.1 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.
- 1.11.6.2 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.
- 1.11.6.3 Existing vegetation and buffering landscaping are potential methods of preserving the scenic vistas.
- 1.11.6.4 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

1.11.7 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:

1.11.7.1 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.

1.11.7.2 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.

1.11.7.3 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.

ARTICLE III. LAND USE DISTRICT REQUIREMENTS

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.

1.11.7.4 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.

1.11.7.5 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.

1.11.7.6 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.

1.11.7.7 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.