

Shoreland Zoning Ordinance for GOULDSBORO
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6. 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 the Ordinance.

7. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

8. Amendments

This ordinance may be amended by majority vote at a town meeting. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by Town Meeting, and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, *if* such amendment is approved by the Commissioner.

9. Districts and Zoning Map

A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made a part of this Ordinance:

1. Stream Protection District
- 2a. 125' Resource Protection
- 2b. 250' Resource Protection
3. Limited Residential District
4. **General Development**
5. Commercial Fisheries/Maritime Activities District

B. Scale of Map

The official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map

The official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the Town Office.

D. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

C. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas used less intensively than those in the Commercial Fisheries/Maritime Activities District.

D1. General Development I District.

The General Development I District includes the following types of existing, intensively developed areas:

- (1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - (a) Areas devoted to manufacturing, fabricating or other industrial activities;
 - (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - (c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, racetracks and fairgrounds.
- (2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

D2. General Development II District.

The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

E. Commercial Fisheries/Maritime Activities District

The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

- (1) Shelter from prevailing winds and waves;
- (2) Slope of the land within 250 feet, horizontal distance, of the shoreline;
- (3) Depth of the water within 150 feet, horizontal distance, of the shoreline;
- (4) Available support facilities including utilities and transportation facilities; and
- (5) Compatibility with adjacent upland uses.

14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)
No - Prohibited
PB - Allowed with permit issued by the Planning Board
CEO - Allowed with permit issued by the Code Enforcement Officer
LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

SP - Stream Protection
RP - Resource Protection (including the Resource Protection portions of the Floodplain/Limited Residential and the Resource Protection/Limited Residential split zones)
LR - Limited Residential
GD - General Development
CFMA - Commercial Fisheries/Maritime Activities

The following notes on the next page are applicable to the Land Uses Table excerpted from the Department of Environmental Protection Guidelines for Municipal Shoreland Zoning Ordinances, Chapter 1000, page 14.

TABLE 1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>	<u>DISTRICT</u>				
	SP	RP	LR	GD	CFMA
1. Non-intensive recreational uses not requiring structures such as hunting, fishing & hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO ₁₃	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ₁	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes ₂	yes ₂	yes ₂	yes ₂
10. Mineral extraction including sand and gravel extraction	no	PB ₃	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes
15. Principal structures and uses					
A. One and two family residential, including driveways	PB ₄	PB ₉	CEO	no	no
B. Multi-unit residential	no	no	PB	no	no
C. Commercial	no	no ₁	no ₁₀	PB ₁₄	PB ₅
D. Industrial	no	no	no	PB ₁₄	PB ₅
E. Governmental and institutional	no	no	PB	PB ₁₄	PB ₅
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ₄	PB	CEO	CEO	PB ₅
16. Structures accessory to allowed uses	PB ₄	PB	CEO	yes	yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland					
a. Temporary	CEO ₁₁	CEO ₁₁	CEO ₁	CEO ₁₁	CEO ₁₁
b. Permanent	PB	PB	PB	PB	PB ₅
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	no	no
19. Home occupations	PB	PB	PB	yes	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB ₆	PB ₆	PB	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO ₆	CEO ₆	yes ₁₂	Yes ₁₂	yes ₁₂
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ₆	PB ₆	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ₆	PB ₆	PB	PB	PB
D. Other essential services	PB ₆	PB ₆	PB	PB	PB

22. Service drops, as defined, to allowed uses	yes SP	yes RP	yes LR	yes GD	yes CF/MA
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO ¹⁴	CEO ⁵
24. Individual, private campsites	CEO	CEO	CEO	no	CEO
25. Campgrounds	no	no ⁷	PB	PB	no
26. Road construction	PB	no ⁸	PB	PB	PB ⁵
27. Land management roads	yes	PB ¹ 3	yes	yes	yes
28. Parking facilities	no	no ⁷	PB	PB ¹⁴	PB ⁵
29. Marinas	PB	no	PB	PB	PB
30. Restaurants	no	no	PB	PB	no
31. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes
32. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO
33. Signs	yes	yes	yes	yes	yes
34. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
36. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

¹In RP not allowed within 75 feet horizontal distance of the normal high-water line of great ponds, except to remove safety hazards.

²Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

³In RP not allowed in areas so designated because of wildlife value.

⁴Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁵Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).

⁶See further restrictions in Section 15(L)(2).

⁷Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

⁸Except as provided in Section 15(H)(4).

⁹Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.

¹⁰Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

¹¹Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

¹²Permit not required ^{but} must file a written "notice of intent to construct" with CEO.

¹³Option 3 towns only.

¹⁴ - Floor area for uses that are not functionally water dependent uses, shall not exceed 75% of the floor area of all principal structures and piers, docks, wharves, bridges and other structures (see Section 15(C)(D)).

NOTE: A person performing any of the following activities shall require a NRPA permit from the Department Environmental Protection, pursuant to 38 M.R.S.A., section 480-C, if the activity occurs in, on, over adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- B. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- C. Draining or otherwise dewatering;
- D. Filling, including adding sand or other material to a sand dune or
- E. Any construction or alteration of any permanent structure.