

ZONING ORDINANCE OF THE NORTHPORT VILLAGE CORPORATION

Amended: August 20, 2000

Amended: November, 2005

Amended: January 13, 2019

Amended: ●, 2022

Preamble

Bayside, as the Northport Village Corporation is commonly called, has had a tradition of moderate land use regulations since its beginning. At first, through the vehicle of perpetual leases issued by the Northport Wesleyan Grove ~~Campmeeting—Association~~Campground, the manner of construction, use, and nature of occupation was directed by overarching and uniting goals of the community. From its beginning in 1915, the Northport Village Corporation was empowered by the State of Maine legislature to develop rules and ordinances to govern the use of the parks, waterfront, utilities, and the cottage lots within its geographic limits.

These controls were expressed in Bayside's first zoning ordinance, adopted in the late 1950s. The ordinance was rewritten in its entirety in August, 2000. The Ordinance here reflects the changes that have been recommended by the citizens and ~~overseers~~Board of Overseers as developed over a series of public workshops and meetings in ~~2018-~~2022.

The Bayside citizens' desire to have a uniform and unified set of rules for the development of the Village and for the good of the community has been a constant guide throughout the history of Bayside. The character, architectural integrity of this unique village and the verdant beauty of the Village are all recognized by Baysiders as worthy of stewardship through moderate land use control. The Board of Overseers may appoint a design review advisory committee or provide other resources to, at the request of a property owner, provide exterior design guidance to applicants planning to construct or renovate a Structure in the Bayside Historic District, to encourage retaining fidelity to the historical character of the Village.

Baysiders created this ordinance, but, because of the manner in which state law is written, the Town of Northport's Code Enforcement Officer enforces it. For that reason, this ordinance seeks to be clear in its expression of its goals and the obligations it imposes on the community members and the Code Enforcement Officer.

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~~ARTICLE 1—GENERAL~~

~~1.141~~

EXHIBITS

Exhibit A: Zoning Map of the Northport Village Corporation..... A-1
Exhibit B: Map of the Bayside Historic District..... B-1
Exhibit C: Basic Requirements Matrix for NVC Zoning Ordinance Districts C-1

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1. GENERAL

1.1. Short Title

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

1.2. ~~4.2~~ Purpose

~~(1)~~1.2.1. To promote the public health, safety, convenience, comfort, aesthetics, prosperity and general welfare of Bayside and its inhabitants.

~~(2)~~1.2.2. To protect the character and maintain the stability of the several herein described ~~districts~~Districts that comprise the Northport Village Corporation, and to encourage land use development according to the established character of Bayside.

~~(3)~~1.2.3. To encourage safety from fire, explosion, noxious fumes and other such hazards, and to segregate and control nuisance producing uses.

~~(4)~~1.2.4. To prevent and control water pollution, to protect spawning grounds and habitats of fish, aquatic life, birds and other wildlife, to conserve shore cover, visual and points of access to inland, and to preserve coastal waters and natural beauty.

~~(5)~~1.2.5. To establish districts of such number, area and designation as are deemed best suited to carry out the purpose of this Ordinance.

~~(6)~~1.2.6. To establish performance standards and to define the powers and duties of the administrative officers and bodies, as provided hereinafter.

1.3. ~~4.3~~ Authority

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

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1.4. ~~4.4~~ Availability

A copy of this Ordinance shall be filed with Bayside's Village Office and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of the availability of this Ordinance shall be posted.

1.5. ~~4.5~~ 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. ~~4.6~~ Conflict ~~With~~with Other Ordinances, Laws and Regulations

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, Buildings, or Structures, the more restrictive provision shall control, unless state law provides otherwise.

1.7. ~~4.7~~ Shoreland Zoning Ordinance

—The Town of Northport Shoreland Zoning Ordinance, originally adopted on June 29, 1992, together with any amendments thereto, applies within the territorial limits of the Northport Village Corporation only to the extent that land within Bayside lies within the Town's Shoreland Zone.

1.8. ~~4.8~~ Amendment

~~(1)~~**1.8.1.** An amendment of this Ordinance may be initiated by:

~~(a) —the Board of Appeals, provided a majority of the Board has so voted;~~

~~(b)~~**1.8.1.1.** —vote of the Board of Overseers; or

~~(c)~~**1.8.1.2.** Written petition of 25 registered voters of the Northport Village Corporation.

~~(2)~~**1.8.2.** An amendment of this Ordinance may be adopted by:

~~(a) —majority vote of the Board of Overseers if the proposed amendment is recommended by the Northport Board of Appeals;~~

~~(b)~~**1.8.2.1.** two-thirds vote of the Board of Overseers; or

~~(c)~~**1.8.2.2.** majority vote of the registered voters at an annual meeting of Bayside.

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~~(3)~~1.8.3. In either case, the Northport Village Corporation shall hold a public hearing in accordance with the requirements of 30-A M.R.S.A. § ~~§~~4352(9) and provide notice of said public hearing posted in accordance and simultaneous with the notice requirement by 30-A M.R.S.A. §4352(9).

~~(4)~~1.8.4. No proposed change in this Ordinance which has been unfavorably acted upon by the Board of Overseers shall be considered on its merits by the Board of Overseers within two years of the date of such unfavorable action unless the adoption of the proposed change is recommended by ~~the Board of Appeals, or a~~ two-thirds vote of the registered voters of the Northport Village Corporation present at the annual meeting.

1.9. ~~1.9~~ Effective Date

The effective date of this Ordinance shall be the date of adoption.

2. ARTICLE 2—CONSTRUCTION OF LANGUAGE AND DEFINITIONS

~~2.1~~

2.1. Construction of Language

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

The word "person" indicates a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" shall include the words "intended", "designed", or "arranged to be used or occupied", [the word "building" includes the word "structure", and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In the case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the meaning stated in Merriam-Webster's ~~New~~ Collegiate Dictionary (latest edition).

2.2. ~~2.2~~ Definitions

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

Accessory Dwelling Unit: A self-contained Dwelling Unit located within, attached to, or detached from a single-family Dwelling Unit located on the same Lot.

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

Structure: Collectively, Permitted Use Accessory Structures and Conditional Use Accessory Structures.

Bayside Historic District: That certain high-density residential area located in or near the central part of Bayside that was designated/registered by the Maine State and Federal Historic Preservation Commissions on the National Register of Historic Places, December 30, 1996. The Bayside Historic District has been designated a National Historic District. The Bayside Historic District boundaries are indicated on Exhibit B, attached hereto. This area was formerly known as the Northport Wesleyan Grove Campground.

Bed and Breakfast:- An owner-occupied Dwelling in which no more than five rooms for sleeping accommodations are made available for a fee to transient guests. A morning meal (but no others) may be provided to said guests. See Section 6.4415.

Billboard:- A Structure, either freestanding or attached to a Building, the surface of which is available for hire for advertising purposes. See Section 6.10.

Building:- A Structure of any kind for the support, shelter or enclosure of persons, animals, goods or property, including Accessory Structures.

~~Building Height: The vertical distance between the highest point of the roof including cupola and the average unamended or unaltered (natural) grade of the ground adjoining to the Building. Utility structures, such as chimneys and antennae, shall not be included in this measurement.~~

~~Campground: Any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged. See Section 6.3.~~

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.

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

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~~Inspector~~ building inspector, plumbing inspector, electrical inspector and the like, where applicable.

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

Conditional Use Accessory Structure: A Structure customarily incidental and subordinate to the Principal Use or Principal Structure but which is not a Permitted Use Accessory Structure. A Conditional Use Accessory Structure includes, but is not limited to, chicken houses or Structures for domestic animals other than dogs, workshops, and fish and bait houses and similar Structures. A Structure that would otherwise be a Permitted Use Accessory Structure if it were on the same Lot as the Principal Use or Principal Structure, such as a garage, shed, or greenhouse, shall also be a Conditional Use Accessory Structure if it is built on a Lot of Record that is different from the Principal Structure's as long as each Lot is owned by the same person, except as further limited in the Bayside Historic District by Section 5.1.4.1(a). The Zoning Board of Appeals shall determine what constitutes a Conditional Use Accessory Structure in case of dispute between the Code Enforcement Officer and the landowner. Conditional Use Accessory Structures shall be subject to the siting and setback and other provisions of Section 6.1.

Citizens' Note: Certain Accessory Structures, whether Permitted Use Accessory Structures or Conditional Use Accessory Structures, must be located on the same Lot as the Principal Use or Principal Structure. These include, but are not limited to, chicken houses or Structures for domestic animals (including dogs), workshops, and fish and bait houses and similar Structures. Think of these Structures as those more likely to create a nuisance to abutting property owners. Other Accessory Structures, including garages, sheds, and greenhouses, may either be a Permitted Use Accessory Structure, if located on the same Lot as the Principal Use or Principal Structure, or a Conditional Use Accessory Structure, if located on a different Lot of Record from the Principal Structure's as long as each Lot is owned by the same person, except as further limited in the Bayside Historic District by Section 5.1.4.1(a).

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

Convenience Store: A retail store serving the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers, but excluding restaurants and vehicle service stations or repair garages.

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

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

Dwelling Unit: Any Structure or portion of a Structure, permanent or temporary in nature, used or proposed to be used as a residence seasonally or throughout the year.

Family: One or more persons occupying a premises and living as a single housekeeping unit.

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

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

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Frontage: The length of continuous footage on which a Lot borders one built street. In calculating Frontage, the side of the Lot on which the principal access to the Lot is or is proposed to be in the event of new construction shall be the street on which Frontage is calculated.

~~Grade: A reference plane representing the average of the natural, unaltered ground level adjoining the Building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the Building and the Lot line or, when the Lot line is more than six feet from the Building at a point six feet from the Building.~~

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

Height: 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 or other venting appurtenances.

Home Occupation: —An occupation or profession which is customarily ~~carried~~conducted on in a Dwelling Unit or in a Building or other Structure by a member of the family residing in the Dwelling and ~~residential structure or property and which~~

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is 1) clearly incidental ~~to~~ and ~~secondary to~~ compatible with the residential use of the ~~Dwelling for residential purposes. See Section 6.6~~ property and surrounding residential uses; and 2) which employs no more than two (2) persons other than Family members residing in the home.

Impervious Surface: Those surfaces which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.

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

Lot Area: —The ~~total horizontal area, in square feet, of land enclosed~~ within the ~~Lot boundary lines of a Lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two~~ Lots.

Lot Coverage: The percentage of the Lot covered by all Structures.

Lot Coverage: The percentage of the Lot Area covered by all Structures and Impervious Surfaces. Notwithstanding the foregoing, when a required Parking Space is not covered with concrete, impervious asphalt, or compacted gravel, the calculation of Lot Coverage shall exclude from the numerator, for each required off-street Parking Space actually constructed in an area where another Structure does not already count toward Lot Coverage (for example, a deck underneath or a garage), an area equal to the lesser of (a) 162 square-feet or (b) the actual space provided for the Parking Space.

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

Mobile Home:— A Structure designed as a Dwelling for location on a permanent foundation and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems, and designed to be transported after fabrication on its own wheels. A Mobile Home shall contain not less than 450 square feet of Gross Floor Area. Mobile Homes shall include manufactured or modular housing constructed and installed in accordance with Housing and Urban Development standards. Manufactured or modular housings constructed and installed in accordance with BOCA standards shall not be included in the definition of Mobile Home.

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Mobile Home Park: -A plot of land laid out to accommodate at least two Mobile Homes. See Section 6.7.

Non-Conforming Lot: - A single Lot of Record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, Frontage, or width requirements of the District in which it is located.

Non-Conforming Use: - Use of Buildings, Structures, premises, land or parts thereof which is not permitted in the District in which it is situated but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Conforming Structure: -A Structure which does not meet any one or more of the following dimensional requirements for setback, ~~height,~~ or Height, Lot Coverage or footprint, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Parking Space: An area of sufficient size to park an average-sized vehicle so that all of the vehicle is situated entirely on the property owner's Lot, with no part of the vehicle protruding into the street or right of way or onto neighboring Lots.

Permitted Use Accessory Structure: A Structure customarily incidental and subordinate to the Principal Use or Principal Structure, including, but not limited to, a garage, shed, greenhouse, or dog house, but specifically excluding, but not limited to, swimming pools, chicken houses or Structures for domestic animals other than dogs, workshops, and fish and bait houses and similar Structures, which may be Conditional Use Accessory Structures subject to permitting through the Zoning Board of Appeals. 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. A Permitted Use Accessory Structure must be on the same Lot as the Principal Use or Principal Structure. A Structure that would otherwise be a Permitted Use Accessory Structure if it were on the same Lot as the Principal Use or Principal Structure, such as a garage, shed, or greenhouse, shall be a Conditional Use Accessory Structure if it is built on a Lot of Record that is separated from the Principal Structure as long as each Lot is owned by the same person. Any such Conditional Use Accessory Structure is subject to permitting through the Zoning Board of Appeals. The Zoning Board of Appeals shall determine what constitutes a Permitted Use Accessory Structure in case of dispute between the Code Enforcement Officer and the landowner. Permitted Use Accessory Structures shall be subject to the siting and setback and other provisions of Section 6.1.

Planned Unit Development: - Land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans, and designated principles for all Buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. See Section 6.8.

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Principal Building: ~~The Building in~~ Structure: A Structure other than one which is used for purposes wholly incidental or accessory to the principal use of another structure or use on the Lot is conducted same lot.

Principal Use: ~~The primary use to which~~ A use other than one which is wholly incidental or accessory to another use on the premises are devoted and the main purpose for which the premises exists same Lot.

Recreational Vehicle: ~~A vehicle or vehicular~~ an attachment designated to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, which is not a Dwelling and which may include a pick-up camper, travel trailer, tent trailer, camp 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.

Regional Flood: A flood determined to be representative of large floods known to have occurred in Maine. A Regional Flood is a flood with a one percent chance of being equaled or exceeded in any given year. See Section 6.4.

Sign: ~~A name, identification, description, display or illustration which is affixed to, painted or represented, directly, or indirectly upon a Building, Structure, parcel, or Lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises. See Section 6.10.~~

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

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 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 waste water 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.

Variance: ~~A relaxation of the terms of this Ordinance granted by the Zoning Board of Appeals where such relaxation would not be contrary to the public interest and where, because of conditions peculiar to the property and not the result of the actions or inaction of the applicant, a literal enforcement of this Ordinance would prevent reasonable use of the property and result in unnecessary or undue non-financial hardship. A financial hardship shall not constitute grounds for granting a Variance. The crucial points factors of a Variance are undue non-financial hardship and unique circumstances applying to the property. A Variance is not justified unless both elements are present in the case.~~

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As used in this Ordinance, a Variance is authorized only for ~~height, area~~Height, Lot Coverage, and size of Structures ~~or size of yards~~. Establishment or expansion of a use or Lot otherwise prohibited shall not be allowed by Variance, nor shall a Variance be granted because of the presence of nonconformities in the District.

~~Citizens~~Zoning Board of Appeals: The Zoning Board of Appeals for the Town of Northport acting pursuant to the Town of Northport's Building Permit Ordinance.

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

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ARTICLE 3

3. NON-CONFORMITY AND GRANDFATHERING

3.1. ~~3.1~~ Basic Requirements

All Buildings or Structures hereinafter erected, reconstructed, altered, enlarged, or moved, and uses of premises within Bayside shall conform with the provisions of this Ordinance. No Building, Structure, Lot, land or water area located within a District shall be used for any purpose or in any manner except as permitted.

3.2. ~~3.2~~ Non-Conforming Uses and Structures

Citizens' Note: Non-conformance shall not necessarily be considered illegal or unacceptable. Non-conforming Lots of Record, Structures, or uses that were in conformance with the standards in effect prior to the effective date of this Ordinance are grandfathered under this Ordinance. Any party is encouraged to read through this Ordinance and contact the BaysideNorthport Village Corporation Board of Overseers or the Code Enforcement Officer with any questions regarding conformance or non-conformance.

3.2.1. ~~3.2.1~~ Continuance of Non-Conforming Uses

~~(1)~~3.2.1.1. The use of land, Buildings or Structures, lawful at the time of adoption or subsequent amendment of this Ordinance, may continue even though such use does not presently conform to the provisions of this Ordinance.

~~(2)~~3.2.1.2. Subject to the limitations of ~~§~~Section 3.2.3, a Non-Conforming Structure may be repaired, maintained, or improved, but the area employed in a non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance, and the Structure may not be altered so as to become more non-conforming. Construction or enlargement of a foundation beneath the existing Structure shall not be considered an expansion of the Structure provided that the Structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Zoning Board of Appeals, the completed foundation does not extend beyond the exterior dimensions of the existing Structure, and the foundation does not increase the ~~height of the Structure from Grade~~Height more than three additional feet and that the ~~height of the Structure~~Height does not exceed 35 feet.

~~(3)~~3.2.1.3. A Non-Conforming Use may not be expanded or moved unless that expansion or movement brings it into conformity or mitigates the degree of non-conformity.

ZONING ORDINANCE OF THE NORTHPORT VILLAGE CORPORATION**3.2.2. 3.2.2 Discontinuance of Non-Conforming Uses**

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

3.2.3. 3.2.3 Restoration of Non-Conforming Structures

In accordance with ~~§Section~~ 3.2.1(2), if a non-conforming use, Building, or Structure is damaged by fire, explosion, flood, riot, act of God, or accident of any kind, it may be restored if the following conditions are met:

(1)3.2.3.1. Application is made, with sufficient documentation supporting the restoration of the non-conforming Structure to ~~Town of Northport~~ Zoning Board of Appeals with notice to the ~~Bayside~~Northport Village Corporation Board of Overseers and the restoration plans otherwise conform with all laws and regulations, resulting in the issuance of all required permits; and

(2)3.2.3.2. The Zoning Board of Appeals shall grant permission for the restoration of a ~~nonconformingnonconforming~~ use, Building or Structure as above referenced if the restoration is essentially the same size, location, ~~height~~Height and architectural appearance and character and use as formerly appeared.

3.2.4. 3.2.4 Expansion of Non-Conforming Structures

A non-conforming Structure may be added to or expanded after obtaining all required permits from the same permitting authority as for a new Structure, if such addition or expansion does not increase the non-conformity of the Structure, brings it into conformity or mitigates the degree of non-conformity. For the purposes of this Ordinance, an increase to the non-conformity of a Structure shall mean:

(1)3.2.4.1. any expansion towards a property line that decreases the existing non-conforming setback distance from the property line; or

(2)3.2.4.2. any expansion that would increase any non-conforming Lot Coverage; or

(3)3.2.4.3. any expansion that would cause the Structure to exceed the ~~lesser of the height limit applicable to the Structure or the existing height~~Height of the preexisting Structure. Notwithstanding the foregoing, as set forth in ~~§Section~~ 3.2.1(2) above, construction or enlargement of a foundation beneath the existing Structure shall not be considered an

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expansion of the Structure provided that the Structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Zoning Board of Appeals, and that the completed foundation does not extend beyond the exterior dimensions of the Structure and that the foundation does not cause the Structure to be elevated more than three additional feet.

3.2.5. 3.2.5 — Transfer of Ownership

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

3.2.6. 3.2.6 — Restoration of Unsafe Property

~~(1)~~3.2.6.1. Nothing in this Ordinance shall prevent the strengthening or restoration to safe condition of any part of any Building or Structure declared unsafe by the Code Enforcement Officer or other authorized government official.

~~(2)~~3.2.6.2. Nothing in this Ordinance shall prevent any changes in a Non-Conforming Use or Non-Conforming Structure as Federal, State, or local building and safety codes may require.

3.2.7. 3.2.7 — Non-Conforming Lots of Record

~~(1)~~3.2.7.1. A single Lot of Record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area or width requirements, or both, of the District in which it is located, may be built upon provided that such Lot shall be in separate ownership and that it is not contiguous with any other Lot in the same ownership, and that all other provisions of this Ordinance shall be met, except Lot size, Frontage, and setback. Variance of yard or other requirements, and not involving area or width, shall be obtained only by action of the Zoning Board of Appeals.

~~(2)~~3.2.7.2. If two or more contiguous Lots or parcels are in single ownership of record at the time of adoption or amendment of this Ordinance, and if all or part of the Lots do not meet the dimensional requirements of this Ordinance, the lands involved shall be considered to be a single parcel for the purposes of this Ordinance and no portion of said parcel shall be built upon or sold which does not meet dimensional requirements of this Ordinance; nor shall any division of the parcel be made which

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creates any dimension or area below the requirements of this Ordinance. Because two or more contiguous Lots or parcels in single ownership of record shall be considered to be a single parcel, the Board of Overseers will endeavor to secure the issuance of one tax bill for each combined Lot.

~~(3)~~ 3.2.7.3. If two or more ~~principal~~ Principal Structures exist on a single Lot of Record on the effective date of this ordinance, each may be sold as a separate Lot. When such Lots are divided, each Lot thus created must be as conforming as possible to the dimensions required of this Ordinance.

1. ~~ARTICLE 4~~

4. ZONING DISTRICTS

4.1. ~~4.1~~ Zoning Districts

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

4.1.1. ~~(1) The Bayside Historic District consists of the land within the dark outline shown on Exhibit B, including all Lots on North Avenue, attached hereto and incorporated herein.~~

Residential 1 District (R-1)

4.1.2. ~~R-1 shall consist~~ consists of the land ~~shown~~ labeled as “NVC Residential 1 District (NVC-R1)” on the official zoning map entitled, “~~Zoning Map of the Northport Village Corporation~~”, and attached as Exhibit A, except that that area formerly shown as in R-1 now part of the Bayside Historic District shown in ~~Map #2~~ Exhibit B, is no longer part of R-1.

~~(2) — Residential 2 District (R-2)~~

~~(3) — General Purpose District (GP-1)~~

~~(4) — The Bayside Historic District shown on Map #2, attached hereto and incorporated herein.~~

4.1.3. ~~4.2~~ Residential 2 District (R-2) consists of the land labeled as “NVC Residential 2 District (NVC-R2)” on the official zoning map entitled “Zoning Map of the Northport Village Corporation” and attached as Exhibit A.

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4.1.4. General Purpose District (GP-1) consists of the land labeled as “NVC General Purpose District (NVC-GP)” on the official zoning map entitled “Zoning Map of the Northport Village Corporation” and attached as Exhibit A.

4.2. Location of Districts

Districts are located and bounded as shown on the Official Zoning Map (~~“Map #1”~~)(Exhibit A), entitled ~~“Zoning Map of the Northport Village Corporation, Northport, Maine”~~, dated January 28, 1978 and on file at the office of the Northport Village Corporation, and as recorded at the Waldo County Registry of Deeds, except as modified by Map #2Exhibit B, which removes from R-1 that land shown as lying in the Bayside Historic District. ~~Map #1Exhibit A~~ and Map #2Exhibit B are attached hereto.

4.3. ~~4.3~~Uncertainty of Boundary Location

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

- ~~(1)~~4.3.1. Boundaries indicated as approximately following the center lines of streets and highways shall be construed to follow such center lines;
- ~~(2)~~4.3.2. Boundaries indicated as approximately following well established Lot lines shall be construed as following such Lot lines;
- ~~(3)~~4.3.3. Boundaries indicated as approximately following Bayside limits shall be construed as following Bayside limits;
- ~~(4)~~4.3.4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and, in the event of natural change in the shoreline, shall be construed as moving with the actual shoreline;
- ~~(5)~~4.3.5. Boundaries indicated as being parallel to or extensions of features indicated in subsections ~~(4.3.1)~~ through ~~(4).3.4~~ shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and
- ~~(6)~~4.3.6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections ~~(4.3.1)~~ through ~~(4.3.5)~~ above, the Zoning Board of Appeals shall interpret the District boundaries.

Citizens’ Note: ~~Map #1Exhibit A~~ shows for illustrative purposes only the boundaries of the Northport Shoreland Zone. Citizens should consult with the

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Town of Northport Code Enforcement Officer to determine the actual location of that boundary.

4.4. ~~4.4~~ Division of Lots by District Boundaries

~~(1)~~4.4.1. 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 following provision:

~~(2)~~4.4.2. Extensions of use shall be considered a Conditional Use, subject to approval of the Zoning Board of Appeals and in accordance with the criterion set forth in §Section 7.10.4 entitled Factors Applicable to Conditional Uses~~8.~~

5. ~~ARTICLE 5~~—LAND USE DISTRICT REQUIREMENTS

5.1—~~Residential 1~~

5.1. ~~Bayside Historic District (R-1)~~

5.1.1. ~~5.1.1~~—Purpose

~~(1)~~5.1.1.1. To provide for the public health and safety, environmental quality, and economic well-being of the community.

~~(2)~~5.1.1.2. To stabilize and protect the essential historic characteristics of ~~certain high density residential areas located in or near the central part of Bayside, which was formerly the Northport Wesleyan Grove Camp Meeting Association,~~ the Bayside Historic District and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life.

~~(3)~~5.1.1.3. To provide for residential growth in such a manner and at such locations as are compatible with existing development and the ability of the community to provide essential services and utilities.

~~(4)~~5.1.1.4. To provide areas for public and semi-public uses compatible with and necessary to residential development.

~~5.1.2~~

5.1.1.5. To promote and encourage preservation of the historic Structures in the Bayside Historic District.

5.1.2. Basic Requirements

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~~(1)~~5.1.2.1. Permitted Uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. All necessary permits, as required by the Town of Northport, shall be issued according to the provisions of Article 7 of this Ordinance.

~~(2)~~5.1.2.2. Buildings erected, constructed, reconstructed, moved or structurally altered, whether for ~~permitted~~Permitted or ~~conditional uses~~Conditional Uses, shall comply with the requirements of Article 5 of this Ordinance and the following requirements:

~~(a)~~ — The minimum Lot size Lot without access to sanitary sewers shall be 20,000 square feet.

~~(a)~~ On for Lots with no access to a public sanitary sewer system and 2,500 square feet for Lots with access to a public sanitary sewers, no sewer system.

~~(b)~~ The minimum road Frontage shall be 50 feet.

~~(b)~~~~(c)~~ No Structure shall be less than 10six feet from a property line nor less than 15eight feet from a Building on adjacent property.

~~(e)~~~~(d)~~ The No BuildingHeight shall not exceed 35 feet in height, exclusive of chimneys or ventilators.

~~(d)~~ — The minimum Lot size with access to sanitary sewers shall be 10,000 square feet, with 75 feet of road Frontage.

~~(e)~~ The total Lot coverage of all Structures shall not exceed 20% of the LotCoverage, including land area previously developed, shall not exceed the following:

~~(f)~~ Lots equal to or less than 2,500 square feet, 45%.

5.1.3 Permitted Uses

~~(g)~~ — Lots equal to or less than 5,000 square feet, but more than 2,500 square feet, the greater of 35% or 1,125 square feet of Lot Coverage;

~~(h)~~ Lots greater than 5,000 square feet, the greater of 20% or 1,750 square feet of Lot Coverage.

~~(i)~~ A minimum of one off-street Parking Space shall be provided on the Lot.

~~(j)~~ Every Dwelling Unit, including Accessory Dwelling Units, must have a separate connection to a sanitary sewer system or a

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subsurface wastewater disposal system. Where a sanitary sewer system is available, each unit must have a separate connection to that system. Where a sanitary sewer system is unavailable, each unit must have a or a subsurface wastewater disposal system connection as permitted by the Code Enforcement Officer.

Exhibit C attached provides a comparison of Basic Requirements for each District.

5.1.3. Permitted Uses

The following uses are permitted in the ~~Residential R-1~~Bayside Historic District

- (1) ~~Single-family Dwelling~~Family Dwelling Unit, including a single Accessory Dwelling Unit where permissible, subject to all other requirements being met, but excluding tents, Recreational Vehicles and Mobile Homes.

~~(a)~~5.1.3.1. Use of the Structure by seasonal, weekly, or monthly tenants using the premises as a single-~~family~~Family Dwelling Unit is permitted.

~~(2)~~5.1.3.2. Home Occupations, subject to the requirements of ~~Article Section 6.6~~.

- (3) ~~Permitted Use Accessory Uses and Structures on the same Lot and customarily incidental and subordinate to the permitted use, provided they are set back from the boundaries a distance no less than one time the Structure's height, but in any event, no less than the minimum setback for principal Structures~~

- (4) ~~Gravel pit or earthmoving business operations related to filling, grading or other earth-moving activity operated in accordance with State laws, and involving the removal or fill of less than 10 cubic yards of material from or into any Lot in any one year, or the removal of filling or transfer of material incidental to construction, alteration or repair of a public way or essential service.~~

- (5) ~~Signs~~, subject to the requirements of ~~Article~~Section 6.

5.1.3.3. 5.1.4

5.1.4. Conditional Uses

- (1) ~~Upon the~~The following uses may be allowed only upon the authorization of a Conditional Use Permit ~~issued~~ by the Zoning Board of Appeals, ~~limited~~

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~~use of a Recreational Vehicle may be permitted for a period not to exceed 10 days by a guest or family member, provided said motor home or travel trailer is parked entirely within the Lot lines of the Lot visited by the motor home or travel trailer and provided the occupants of said Recreational Vehicle have access to the sanitary facilities of the Lot so visited.~~

~~(2)5.1.4.1. The following uses may be allowed only upon the issuance of a Conditional Use Permit,~~ in accordance with the provisions of Article 7.

~~(a) Conditional Use Accessory Structures, subject to the requirements of Section 6.1, provided a Dwelling Unit has not existed on the Lot within the preceding five years. Convenience-type retail stores having no more than 1,200 square feet of Gross Floor Area and employing no more than two full-time employees, but excluding restaurants, auto service stations or repair garages.~~

~~(a)~~

~~(b) Accessory Uses and Structures.~~

~~(e)(b) Utilities, including sewage collection and treatment facilities.~~

~~(d) An Accessory Building, such as a garage, on a nearby Lot of Record that is separated from the primary property by a public or private road or way.~~

~~(c) A swimming pool, provided the Lot is a minimum of 40,000 square feet. Specifications set out in the BOCA Basic Building Code - 1981, Section 627 - SWIMMING POOLS and American Public Health Association Regulations, Section D-21 FENCES AND ENCLOSURES, shall be met. For purposes of this Ordinance minimum setbacks of 20 feet from rear or side property lines and 50 feet from the front property line shall apply to the fence surrounding the pool area.~~

~~(d) Bed and Breakfast.~~

~~(e) The restoration or replication of an historic Building in the Bayside Historic District to its original size, Height, footprint, and other exterior characteristics shall be a Conditional Use provided that the applicant can provide accurate evidence of the original size, Height, footprint, and other exterior characteristics. Such Conditional Use shall only be permitted if the Northport Village Corporation Board of Overseers votes to approve the applicant's plans for an historic restoration or replication. The Northport Village Corporation Board of Overseers or the Zoning Board of~~

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Appeals may attach special conditions as appropriate to ensure the same. Such restoration or replication shall not be deemed to be a permission to resume the historic use. In order to resume an historic use that is a Home Occupation or commercial use, the conditions and requirement of a Home Occupation or commercial use must be met.

Citizens' Note: A "restoration" involves the retention and improvement of an existing Structure, while a "replication" involves the removal and replacement of an existing Structure with a Structure that has an exterior that architecturally replicates the original historic Structure.

5.1.4.2. Upon the authorization of a Conditional Use Permit issued by the Zoning Board of Appeals, limited use of a Recreational Vehicle may be permitted for a period not to exceed 10 days by a guest or family member, provided said motor home or travel trailer is parked entirely within the Lot lines of the Lot visited by the motor home or travel trailer and provided the occupants of said Recreational Vehicle have access to the sanitary facilities of the Lot so visited.

5.1.5. Omitted Uses

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

5.2. Residential 1 District (R-1)

5.2.1. Purpose

5.2.1.1. To provide for the public health and safety, environmental quality, and economic well-being of the community.

5.2.1.2. To stabilize and protect the essential historic characteristics of certain high density residential areas located in or near the central part of Bayside, which were formerly the Northport Wesleyan Grove Campground, and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life.

5.2.1.3. To provide for residential growth in such a manner and at such locations as are compatible with existing development and the ability of the community to provide essential services and utilities.

5.2.1.4. To provide areas for public and semi-public uses compatible with and necessary to residential development.

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5.2.2. Basic Requirements

5.2.2.1. Permitted Uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. All necessary permits, as required by the Town of Northport, shall be issued according to the provisions of Article 7 of this Ordinance.

5.2.2.2. Buildings erected, constructed, reconstructed, moved or structurally altered, whether for permitted or Conditional Uses, shall comply with the requirements of Article 5 of this Ordinance and the following requirements:

(a) The minimum Lot size shall be 20,000 square feet for Lots with no access to a public sanitary sewer system and 10,000 square feet for Lots with access to a public sanitary sewer system.

(b) The minimum road Frontage shall be 75 feet.

(c) No Structure shall be less than 10 feet from a property line nor less than 15 feet from a Building on adjacent property.

(d) The Height shall not exceed 35 feet.

(e) The Lot Coverage shall not exceed 20%, including land area previously developed.

(f) A minimum of two off-street Parking Spaces shall be provided on the Lot.

(g) Every Dwelling Unit, including Accessory Dwelling Units, must have a separate connection to a sanitary sewer system or a subsurface wastewater disposal system. Where a sanitary sewer system is available, each unit must have a separate connection to that system. Where a sanitary sewer system is unavailable, each unit must have a subsurface wastewater disposal system connection as permitted by the Code Enforcement Officer.

Exhibit C attached provides a comparison of Basic Requirements for each District.

5.2.3. Permitted Uses

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

5.2.3.1. Single-Family Dwelling Unit, including Accessory Dwelling Units where permissible, subject to all other requirements being met, but

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excluding tents and Recreational Vehicles. Use of the Structure by seasonal, weekly, or monthly tenants as a Dwelling Unit is permitted.

5.2.3.2. Home Occupations, subject to the requirements of Section 6.6.

5.2.3.3. Permitted Use Accessory Structures, subject to the requirements of Section 6.1.

5.2.4. Conditional Uses

5.2.4.1. The following uses may be allowed only upon the issuance of a Conditional Use Permit, in accordance with the provisions of Article 7.

(a) Conditional Use Accessory Structures, subject to the requirements of Section 6.1.

(b) Utilities, including sewage collection and treatment facilities.

~~(e)~~(c) A swimming pool, provided the Lot is a minimum of 40,000 square feet. Specifications set out in the BOCA Basic Building Code - 1981, Section 627 - SWIMMING POOLS and American Public Health Association Regulations, Section D-21 FENCES AND ENCLOSURES shall be met. For purposes of this Ordinance, minimum setbacks of 20 feet from rear or side property lines and 50 feet from the front property line shall apply to the fence surrounding the pool area.

(d) Bed and Breakfast.

5.2.4.2. Upon the authorization of a Conditional Use Permit issued by the Zoning Board of Appeals, limited use of a Recreational Vehicle may be permitted for a period not to exceed 10 days by a guest or family member, provided said motor home or travel trailer is parked entirely within the Lot lines of the Lot visited by the motor home or travel trailer and provided the occupants of said Recreational Vehicle have access to the sanitary facilities of the Lot so visited.

5.2.5. Omitted Uses

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

~~(f)(a) Bed and Breakfast.~~

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~~5.1.1. 5.1.5~~ Omitted Uses

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

5.3. ~~5.2~~ Residential 2 District (R-2)

~~5.3.1. 5.2.1~~ Purpose

- ~~(1)5.3.1.1.~~ To provide for the public health and safety, environmental quality, and economic well-being of the community.
- ~~(2)5.3.1.2.~~ To provide areas for medium density residential growth in such a manner and at such locations as are compatible with existing development and the ability of the community to provide essential services and utilities.
- ~~(3)5.3.1.3.~~ To provide areas for public and semi-public uses compatible with and necessary to residential development.

5.3.2. Basic Requirements

5.3.2.1. Permitted Uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. All necessary permits, as required by the Town of Northport, shall be issued according to Article 7 of this Ordinance.

~~5.1.1. 5.2.2~~ Basic Requirements

- ~~(1)5.1.1.1. Permitted Uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. All necessary permits, as required by the Town of Northport, shall be issued according to Article 7 of this Ordinance.~~
- ~~(2)5.3.2.2.~~ Buildings erected, constructed, reconstructed, moved or structurally altered, whether permitted or ~~conditional uses~~ Conditional Uses, shall comply with the requirements of Article 5 of this Ordinance and the following requirements:

(a) The minimum Lot size shall be 20,000 square feet.

(b) The minimum road Frontage shall be 100 feet.

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~~(a) The minimum Lot size shall be 20,000 square feet.~~

~~(b)(a) The minimum road Frontage shall be 100 feet.~~

(c) The minimum front setback shall be 50 feet, the side setback 10 feet and the rear setback 20 feet.

~~(d) The Height shall not exceed 35 feet.~~

~~(d)(e) The total Lot coverage of all Structures Coverage shall not exceed 20% of the Lot%, including land area previously developed.~~

~~(e) No Building shall exceed 35 feet in height, excluding chimneys and ventilators.~~

~~5.2.3~~

~~(f) A minimum of two off-street Parking Spaces shall be provided on the Lot.~~

~~(g) Every Dwelling Unit, including Accessory Dwelling Units, must have a separate connection to a sanitary sewer system or a subsurface wastewater disposal system. Where a sanitary sewer system is available, each unit must have a separate connection to that system. Where a sanitary sewer system is unavailable, each unit must have a subsurface wastewater disposal system connection as permitted by the Code Enforcement Officer.~~

Exhibit C attached provides a comparison of Basic Requirements for each District.

5.3.3. Permitted Uses

The following uses are permitted in the Residential 2 District (R-2):

~~(1) Single-family Family Dwelling or Mobile Home, not Unit, including tent or Accessory Dwelling Units, where permissible, subject to all other requirements being met, but excluding tents and Recreational Vehicle.~~

~~(a) 5.3.3.1. Vehicles. Use of the Structure by seasonal, weekly, or monthly tenants using the premises as a single-family dwelling Dwelling Unit is permitted.~~

~~(2) 5.3.3.2. Home Occupations, subject to the requirements of Article Section 6.6.~~

~~(3) Religious houses of worship and nursing homes.~~

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~~(4) — Permitted Use Accessory Uses and Structures on the same Lot and customarily incidental to and subordinate to the permitted uses, provided they are set back from the boundaries a distance no less than one time the Structure's height, but in any event, no less than the minimum setback for principal Structures.~~

~~(5) — Gravel pit or earthmoving business operations related to filling, grading or other earth moving activity operated in accordance with State Law, and involving the removal of fill of less than 10 cubic yards of material from or into any Lot in any one year, or the removal of filling or transfer of material incidental to construction, alteration or repair of a Building or in grading and landscaping incidental to construction, alteration or repair of a public way or essential service.~~

~~(6) 5.3.3.3. Signs, subject to the requirements of ArticleSection 6.1.~~

~~5.2.4 —~~

~~5.3.3.4. Family Daycare Homes.~~

5.3.4. Conditional Uses

5.3.4.1. The following uses may be allowed only upon the issuance of a Conditional Use Permit, in accordance with the provisions of Article 7.

(a) Conditional Use Accessory Structures, subject to the requirements of Section 6.1.

(b) Utilities, including sewage collection and treatment facilities.

(c) A swimming pool, provided the Lot is a minimum of 40,000 square feet. Specifications set out in the BOCA Basic Building Code - 1981, Section 627 - SWIMMING POOLS and American Public Health Association Regulations, Section D-21 FENCES AND ENCLOSURES, shall be met. For purposes of this Ordinance, minimum setbacks of 20 feet from rear or side property lines and 50 feet from the front property line shall apply to the fence surrounding the pool area.

(d) Bed and Breakfast.

(e) Inns and restaurants.

(f) Timber Harvesting.

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(g) Mobile Home Park.

~~(4)~~5.3.4.2. Upon the authorization of a Conditional Use Permit issued by the ~~Code Enforcement Officer~~Zoning Board of Appeals, limited use of a Recreational Vehicle may be permitted for a period not to exceed 10 days by a guest or family member, provided said motor home or travel trailer is parked entirely within the Lot lines of the Lot visited by the motor home or travel trailer and provided the occupants of said Recreational Vehicle have access to the sanitary facilities of the Lot so visited.

~~(2)(a) Timber Harvesting.~~

~~(3)(a) Mobile Home Park.~~

~~(4) Commercial or industrial facilities having less than 2,500 square feet of Gross Floor Area and less than 40,000 square feet of Lot Area and employing no more than four full-time employees but excluding auto service stations or repair garages.~~

~~(5) Accessory Uses and Structures.~~

~~(6)(a) Utilities, including sewage collection and treatment facilities.~~

~~(7)(a) Inns and restaurants.~~

~~(8) An Accessory Building such as a garage, may be built on a Lot of Record that is separated from the primary property by a public or private road or way as long as each Lot is owned by the same person.~~

~~(9)(a) Bed and Breakfast.~~

~~(10) Swimming Pools NVC SP A minimum Lot size of 40,000 square feet is required for consideration of a Conditional Use Permit for construction of a swimming pool. Specifications set out in the BOCA Basic Building Code 1981, Section 627 SWIMMING POOLS and FENCES AND ENCLOSURES shall be met. For the purpose of this Ordinance minimum setbacks of 20 feet from rear or side property lines and of 50 feet from front property line shall apply to the fence surrounding the pool area.~~

5.3.5. 5.2.5 Omitted Uses

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

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5.4. ~~5.3~~ General Purpose District (GP-1)

5.4.1. ~~5.3.1~~ Purpose

5.4.1.1. ~~To allow a maximum diversity of uses, while protecting~~To provide for
the public health and safety, environmental quality, and economic
well-being of ~~Bayside,~~the community.

5.4.1.2. ~~To allow a maximum diversity of uses~~ by imposing minimum controls
on those uses, which by virtue of their external effects (waste
discharge, noise, glare, fumes, smoke, dust, odors, or ~~auto or~~
~~truck~~vehicle traffic) could otherwise create a nuisance or unsafe or
unhealthy conditions.

5.4.1.3. ~~5.3.2~~—To provide areas for public and semi-public uses compatible
with and necessary to residential development.

5.4.2. Basic Requirements

~~(1)~~5.4.2.1. Permitted Uses and Conditional Uses shall conform to all
dimensional requirements and other applicable requirements of this
Ordinance. ~~A Plumbing Permit, an Electrical Permit, and a~~
~~Building or Use Permit~~All necessary permits, as required by the
Town of Northport, shall be ~~required for all Buildings, uses, and~~
~~sanitary facilities,~~issued according to the provisions of Article ~~67~~ of
this Ordinance.

~~(2)~~5.4.2.2. Buildings erected, constructed, reconstructed, moved or structurally
altered, whether or permitted or ~~conditional uses~~Conditional Uses,
shall comply with the requirements of Article 5 of this Ordinance and
the following requirements:

~~(a) The minimum Lot size shall be 20,000 square feet.~~

(a) The minimum Lot size shall be 20,000 square feet.

(b) The minimum road Frontage shall be 100 feet.

(c) The minimum front setback shall be 50 feet, the side setback 10
feet and the rear setback 20 feet.

(d) The ~~maximum~~ Lot ~~coverage~~Coverage shall ~~be not exceed~~ 20%-%,
including land area previously developed.

No Building

(e) The Height shall not exceed 35 feet ~~in height, excluding chimneys~~
~~and ventilators.~~

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- (f) ~~5.3.3~~ Every Dwelling Unit, including Accessory Dwelling Units, must have a sanitary separate connection to a sanitary sewer system or a subsurface wastewater disposal system. Where a sanitary sewer system is available, each unit must have a separate connection to that system. Where a sanitary sewer system is unavailable, each unit must have a subsurface wastewater disposal system connection as permitted by the Code Enforcement Officer.

Exhibit C attached provides a comparison of Basic Requirements for each District.

5.4.3. Permitted Uses

The following uses are permitted in the General Purpose District (GP-1):

5.4.3.1. ~~Single-Family Dwelling Unit, including Accessory Dwelling Units~~ where permissible, subject to all other requirements being met, but excluding tents and Recreational Vehicles. Use of the Structure by seasonal, weekly, or monthly tenants using the premises as a single-Family Dwelling is permitted.

5.4.3.2. Home Occupations, subject to the requirements of Section 6.6.

5.4.3.3. Permitted Use Accessory Structures, subject to the requirements of Section 6.1.

5.4.3.4. Family Daycare Homes.

~~(1)~~5.4.3.5. Open space use.

~~(2)~~5.4.3.6. Agriculture and gardening.

~~(3)~~5.4.3.7. Sale of produce and plants.

~~(4)~~5.4.3.8. Timber harvesting.

~~(5) Single-family Dwelling, including tent, Recreational Vehicle or Mobile Home.~~

~~(a) Use of the Structure by seasonal, weekly, or monthly tenants using the premises as a single-family Dwelling is permitted.~~

~~(6) Home Occupations, subject to the requirements of Article 6.~~

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~~(7) — Facilities~~ Commercial facilities ~~having less than 2,500 square feet of Gross Floor Area and less than 4010,000 square feet of Gross Floor Area constructed on a Lot Area~~ with sufficient off-street Parking Spaces for all employees, vendors, and customers and employing no more than six full-time equivalent employees, but excluding ~~auto~~vehicle service stations or repair garages;

~~(8) 5.4.3.9. Gravel pit or earthmoving business operations related to filling, grading or other earth-moving activity operated in accordance with State Laws, and involving the removal or fill of less than 10 cubic yards of material from or onto any Lot in any one year, or the removal or fill of material incidental to construction, alteration or repair of a Building or in grading and landscaping incidental thereto, or the removal, filling or transfer of material incidental to construction, alteration or repair of commercial use that would create a public way or essential service~~ nuisance, which are prohibited.

~~(9) — Signs, subject to the requirements of Article 6.~~

~~5.4.3.10. 5.3.4 — Religious houses of worship.~~

~~5.4.3.11. Nursing homes.~~

5.4.4. Conditional Uses

~~5.4.4.1. The following uses may be allowed only upon~~ authorization ~~issuance~~ of a Conditional Use Permit ~~by the Board of Appeals~~, in accordance with the provisions of Article 7.

~~(1)(a) — Campgrounds.~~

~~(2)(a) — Planned Unit Development.~~

~~(3)(a) — Conditional~~ Mobile Home Park.

~~(4) — Commercial and industrial facilities not meeting the criteria for Permitted Use.~~

~~(5) — Filling, grading, lagooning, dredging, or other earth-moving activity, including extractive uses such as gravel pits, quarries, mines and dredging operations.~~

~~(6)(a) — Accessory Uses and Structures,~~ subject to the requirements of Section 6.1.

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~~(7)(b)~~ Utilities, including sewage collection and treatment facilities.

~~(8)(a) Inns and restaurants.~~

~~(9) — An Accessory Building, such as a garage, may be built on a nearby A swimming pool, provided the Lot of Record that is separated from the property by a public or private road or way.~~

~~(10)(a) Bed and Breakfast.~~

~~5.1.1. 5.3.5 Omitted Uses~~

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

~~5.4 Bayside Historic District~~

~~5.4.1 Purpose~~

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

~~(1) — Stabilize and protect the essential historic characteristics of this District and to promote and encourage preservation of the Structures in the District.~~

~~5.1.1. 5.4.2 a Basic Requirements~~

~~(1) — Permitted Uses and Conditional Uses shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A Plumbing Permit, an Electrical Permit, and a Building and/or Use Permit shall be required for all Buildings, uses, and sanitary facilities, according to the provisions of Article 6 of this Ordinance.~~

~~(2) — Buildings erected, constructed, reconstructed, moved or structurally altered, whether for permitted or conditional uses, shall comply with the requirements of Article 5 of this Ordinance and the following requirements:~~

~~(a) — The minimum size Lot without access to sanitary sewers shall be 20,000 square feet.~~

~~(b) — On Lots with access to sanitary sewers, no Structure shall be less than six feet from a property line nor less than eight feet from a Building on adjacent property.~~

~~(c) — No Building shall exceed 35 feet in height, exclusive of chimneys or ventilators.~~

~~(d) — The minimum Lot size with access to sanitary sewers shall be 2,500~~

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~~square feet, with 50 feet of road Frontage.~~

~~(e) The total area of Structures shall not exceed the following Lot Coverage percentages, including land area previously developed:~~

~~(i)(a) Lots equal to or less than 2,500 square feet, 45%.~~

~~(ii) Lots equal to or less than 5,000 square feet, but more than 2,500 square feet, 35%, but in any event, can begin at 1,125 sq. ft. of Lot Coverage;~~

~~(iii) Lots greater than 5,000 square feet, 20%, but in any event, can begin at 1,750 sq. ft. of Lot Coverage.~~

5.4.3 Permitted Uses

~~The following uses are permitted in the Bayside Historic District.~~

~~(1) Single-family Dwelling, not including single tent, Recreational Vehicle or Mobile Home.~~

~~(a) Use of the Structure by seasonal, weekly, or monthly tenants using the premises as a single family Dwelling is permitted.~~

~~(2) Home Occupations, subject to the requirements of Article 6.~~

~~(3) Accessory Uses and Structures on the same Lot and customarily incidental and subordinate to the permitted use, provided they are set back from the boundaries a distance not less than one time the Structure's height, but in any event, not less than the minimum setback for principal Structures.~~

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

5.4.4 Conditional Uses

~~(1) Upon the authorization of a Permit issued by the Code Enforcement Officer, limited use of a Recreational Vehicle may be permitted for a period not to exceed 10 days by a guest or family member, provided said motor home or travel trailer is parked entirely within the Lot lines of the Lot visited by the motor home or travel trailer and provided the occupants of said Recreational Vehicle have access to the sanitary facilities of the Lot so visited.~~

~~(2)(a) The following uses may be allowed only upon the authorization of a Conditional Use Permit by the Board of Appeals, in accordance with the provisions of Article 7:~~

~~(a) Utilities, including sewage collection and treatment facilities.~~

~~(b) An Accessory Building, such as a garage, may be built on a nearby Lot of Record that is separated from the primary property by a public~~

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~~or private road or way.~~

- (c) ~~Swimming Pools—NVC-SP. A minimum Lot size of 40,000 square feet is required for consideration of a Conditional Use Permit for construction of a swimming pool.~~ Specifications set out in the BOCA Basic Building Code - 1981, Section 627 - SWIMMING POOLS and American Public Health Association Regulations, Section D-21 FENCES AND ENCLOSURES^{1,2} shall be met. For purposes of this Ordinance, minimum setbacks of 20 feet from rear or side property lines and ~~of~~ 50 feet from the front property line shall apply to the fence surrounding the pool area.

(d) Bed and Breakfast.

(e) Inns and restaurants.

(f) Mobile Home Park.

(g) Campgrounds.

(h) Planned Unit Development.

~~(d)(a) — Bed and Breakfast.~~

(i) Convenience Stores.

- ~~(3) — Commercial The restoration of historic Buildings, "society cottages," in the Bayside Historic District to their original size, height, footprint, and other exterior characteristics shall be permitted after review by the Board of Appeals, provided that the applicant can provide accurate evidence of the original size, height, and details. Such application shall only be permitted if, in the opinion of the Board of Appeals, the applicant is attempting a historic replication. The Board of Appeals may attach special conditions as appropriate to ensure the same. Such restoration shall not be deemed to be a permission to resume the historic use. In order to resume the historic use, the conditions and requirement of a Home Occupation or commercial use must be met.~~

(j) 5.4.5 facilities not meeting the criteria for Permitted Use, but excluding vehicle service stations or repair garages and any commercial use that would create a public nuisance, which are prohibited.

5.4.5. Omitted Uses

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

6. ARTICLE 6—PERFORMANCE STANDARDS

6.1—

6.1. Accessory ~~Buildings~~Structure

6.1.1. No garage or other Accessory ~~Building~~Structures shall be located ~~in a front yard between the street or public way and the street- or public-way facing façade of the Principal Structure.~~ When located to the rear or side of the main ~~Building~~Structure, the Accessory ~~Building~~Structure shall be set back a distance not less than one time the Accessory ~~Building's height~~Structure's Height, but in any event, not less than the minimum setback for ~~principal~~Principal Structures.

~~6.1.~~— 6.2. Agriculture

6.1.2. In any District, an Accessory Structure may only be approved by the Code Enforcement Officer or Zoning Board of Appeals upon a determination that said use or Structure complies with the following conditions:

6.1.2.1. Such use is not intended to expand a use otherwise limited in the District.

6.1.2.2. Such use, if not permitted by right within the District, is an integral and minor part of a permitted use.

6.1.2.3. Such use is consistent with the normal requirements of the Principal Use and is not excessive for such use or for that District.

6.1.2.4. Such use is not detrimental to the surrounding area or properties.

6.1.2.5. Adequate area is available without reducing the area requirements set forth for the use in the District in which it lies.

6.2. Agriculture

~~(1) All spreading or disposal of manure shall be accomplished in conformance with the Maine Standards of Manure and Manure Sludge Disposal on Land, published by the University of Maine and Maine Soil Conservation Commission.~~

~~(2)~~ Agricultural practices shall be conducted to minimize soil erosion, sedimentation, contamination, and nutrient enrichment of ground and surface waters.

~~(3) Agricultural practices not in conformance with these standards may be allowed by Conditional Use Permit.~~

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6.3. ~~6.3~~ Campgrounds

6.3.1. Campgrounds shall conform to the minimum requirements imposed under ~~State~~ licensing procedures and: any ordinances of the Town of Northport.

(1)6.3.2. Recreational vehicle, tent, or shelter areas containing approved water--carried sewage facilities shall meet the following requirements:

(a)6.3.2.1. Each camp site shall contain a minimum of 2,500 square feet, excluding roads ~~and,~~ driveways, and parking areas.

(b)6.3.2.2. A minimum of 200 square feet of off-street parking shall be provided for each camp site.

(c)6.3.2.3. Each camp site shall be provided with a picnic table, ~~fireplace~~ and trash receptacle and shall comply with the Northport Village Corporation Fire Ordinance.

(2)6.3.3. The area intended for the placement of the Recreational ~~Vehicle,~~ tentVehicles, tents, or ~~shelters~~shelters and utility service Buildings, shall be set back a minimum of 100 feet from the exterior Lot lines of the ~~camping area~~Campground.

(3)6.3.4. All Campgrounds shall be screened by a continuous landscaped area containing evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier of not less than six feet ~~high shall be in~~ Height, located ~~on~~along all exterior Lot lines of the ~~park~~Campground, except where driveways shall be kept open to provide visibility for vehicles entering or leaving the Campground.

6.4. ~~6.4~~ Elevation of Buildings Above Flood Level

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

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6.5. ~~6.5~~ Filling, Grading, Lagooning, Dredging, or Other Earth-Moving Activity

6.5.1. ~~6.5.1~~ General

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

6.5.2. ~~6.5.2~~ Earth Moving Requiring a Conditional Use Permit

Application for a Conditional Use Permit from the Zoning Board of Appeals for excavation, processing and storage of soil, loam, sand, gravel, rock and other natural deposits shall be made in accordance to the provisions of Article 7 of this Ordinance and the following requirements:

~~(1)~~6.5.2.1. The application shall be accompanied by a plan prepared by a Registered Land Surveyor or Registered Professional Engineer.

~~(2)~~6.5.2.2. The applicant shall submit written approval from the Department of Marine Resources and Fisheries or Inland Fisheries and Game, as applicable, prior to consideration by the Zoning Board of Appeals.

~~(3)~~6.5.2.3. The applicant shall submit written approval from the appropriate Soil and Water Conservation District prior to consideration by the Zoning Board of Appeals.

6.5.3. ~~6.5.3~~ Surety and Terms of Permits

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

6.5.4. ~~6.5.4~~ Existing Operations

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

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6.6. ~~6.6~~ Home Occupations

- ~~(1)~~6.6.1. Home Occupations shall be carried on wholly within the ~~principal Building~~Principal Structure.
- ~~(2)~~6.6.2. No more than two persons outside the family shall be employed on location in the ~~home~~Home Occupation.
- ~~(3)~~6.6.3. There shall be no exterior display, no exterior Sign (except as permitted by the provisions of this Ordinance), no exterior storage of materials, lobster gear or equipment of any kind, and no other exterior indication of the Home Occupation or variation from the residential character of the ~~principal Building~~Principal Structure.
- ~~(4)~~6.6.4. No nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation shall be generated.
- ~~(5)~~6.6.5. The Home Occupation shall not use more than 20% of the Gross Floor Area of the residential Structure.
- ~~(6)~~6.6.6. Adequate parking on the premises shall be available for the employees, customers, clients, or vendors of the business.

6.7. ~~6.7~~ Mobile Home Parks

Citizens' Note: The management and development of Mobile Home Parks is governed by Maine state statutes.

- 6.7.1. Mobile Home Parks shall meet ~~State~~state requirements for mobile home parks ~~and all of the following:~~
- ~~(1)~~6.7.2. Mobile Home Parks shall meet all requirements for a residential subdivision, and shall conform to all applicable ~~State Laws~~state law and local ordinances.
- ~~(2)~~6.7.3. Lots in a Mobile Home Park shall meet all of the dimensional and area requirements for single-~~family Dwellings~~Family Dwelling Units for the District in which the park is situated.
- ~~(3)~~6.7.4. No Mobile Home shall be placed within 35 feet of any other Mobile Home.
- ~~(4)~~6.7.5. All Mobile Homes shall be connected to a water supply and a sanitary sewer system, in accordance with the sanitary provisions (Section 6.9) of this Ordinance.

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~~(5)~~6.7.6. No permanent additions other than factory-built units of similar construction to the original unit shall be permitted without approval of the Zoning Board of Appeals.

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~~(6)~~6.7.7. All Mobile Home Parks shall be screened by a continuous landscaped area containing evergreen shrubs, trees, fences, walls, or a combination which forms an effective visual barrier of not less than six feet in ~~height shall be~~ Height, located ~~en~~along all exterior Lot lines of the ~~park~~Mobile Home Park, except where driveways shall be kept open to provide visibility for vehicles entering or leaving the park.

6.8. ~~6.8~~ Planned Unit Development

6.8.1. ~~6.8.1~~ Purpose

The purpose of these provisions is to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the District in which the development is proposed.

6.8.2. ~~6.8.2~~ Basic Requirements

Planned Unit Development shall meet all of the following:

~~(1)~~6.8.2.1. All requirements for a residential subdivision shall be met.

6.8.2.2. Ten acres shall be the minimum area ~~in~~of the development.

~~(2)~~

~~(3)~~6.8.2.3. Any Lot abutting a public road shall have a Frontage and area no less than normally required in the District. On other than public roads, Lot Area may be reduced to not less than 10,000 square feet and road Frontage to a minimum of 75 feet. The Frontage on Lots abutting a circular turnaround may be reduced to 50 feet, provided that the minimum Lot width at the face of the Building shall be 75 feet.

6.8.2.4. The total area of common land within the development shall equal or exceed the sum of the areas by which building Lots, cumulatively, are reduced below the minimum Lot Area normally required in the District: based on the number of building Lots.

~~(4)~~

~~(5)~~6.8.2.5. Every building Lot that is reduced in area below the amount normally required shall abut such common land for a distance of at least 50 feet.

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~~(6)~~6.8.2.6. All common land for recreational or conservation purposes only shall be owned jointly or in common by the owners of the building Lots, by a trust or association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the Northport Village Corporation.

~~(7)~~6.8.2.7. Further subdivision of common land or its use for other than non-commercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and Buildings accessory to non-commercial recreational or conservation uses may be erected on common land.

6.8.2.8. All Dwellings in a Planned Unit Development shall be connected to a common water supply and sanitary sewer system, in accordance with the sanitary provisions (Section 6.9) of this Ordinance.

~~(8)~~

~~(9)~~6.8.2.9. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development.

~~6.9.~~ 6.9 ~~Sanitary Provisions~~

~~6.9.1 No building permit shall be issued until the requirements for connecting or modifying existing utility connections are satisfied.~~

Citizens' Note: ~~To add fixtures or to link~~connect to the Northport Village Corporation Water or Wastewater Systems, the Utility Department of the Northport Village Corporation ~~should~~must be consulted for terms and conditions, fees, and connection costs associated with that application. Among other restrictions, the following may not be connected to or otherwise discharged into the Northport Village Corporation Wastewater System: sump pumps; foundation drains (either exterior or interior); stormwater run-off, including from roof gutters/drains.

~~6.9.2~~ Citizens' Note: Flushable wipes and fats, oil, and grease (FOG), have become a major source of clogged building drains in the waterworks industry, plugged sewage pumps and sanitary sewer overflows and/or causing sewage back-ups into homes. Please practice the three "P"s – only pee, poop, and (toilet) paper should be flushed down the toilet.

6.9.1. Purpose

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To promote health, safety, and general welfare, and to protect ground and surface waters and public and private water supplies from contamination or nutrient enrichment, the following provisions shall be applicable to the installation of sanitary waste disposal facilities in all Districts.

6.9.2. 6.9.3—Connection to Public Facilities

All plumbing shall be connected to public collection and treatment facilities when such facilities are available. No building permit shall be issued until the requirements for connecting to or modifying existing utility connections are satisfied.

6.9.3. 6.9.4—Subsurface SewageWastewater Disposal Systems

Any subsurface ~~sewage~~wastewater disposal system shall be in compliance with all requirements of the State Plumbing Code.— and the Town of Northport.

6.9.4. 6.9.5—Other Systems

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

6.10. 6.10—Signs and Billboards

6.10.1—

6.10.1. General

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

6.10.2 Exceptions

~~Bayside~~affixed to poles, public buildings, benches, trees or any other public place without permission of the Board of Overseers are prohibited. The Northport Village Corporation maintains signboards within Bayside upon which the Northport Village Corporation and its citizens and residents may reasonably post notices. The following provisions shall apply to Signs in all Districts.

6.10.2. 6.10.3—Purpose

The purpose of these regulations is to encourage signage in Bayside which will be appropriate to the Village's architectural styles and visual qualities, compatible with the Village's architecture and visual setting, appropriate to

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the activity announced, legible in the circumstances in which they are seen, and professional in appearance, construction and material.

6.10.3. Permitted Sign Size, Location and Illumination

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

6.10.3.2. ~~Flashing, moving, or animated signs are prohibited.~~ Illuminated signs, signs with flashing or moving lights, signs with visibly moving parts, and roof signs are permitted only in the GP District.

6.10.3.3. Signage illumination that creates a nuisance to abutting property owners, vehicles, or the public or otherwise constitute a hazard to pedestrian or vehicular traffic is prohibited.

6.10.3.4. A lighting fixture that directly or indirectly illuminates a sign must be designed so that the light source itself is shielded from view and does not shine directly into the right-of-way or onto adjacent property under different ownership. This does not apply to signs illuminated using neon.

6.10.3.5. No Sign shall be located within three feet of a Lot boundary.

(4)6.10.3.6. Name ~~Signs~~signs shall be permitted, provided such Signs shall not exceed ~~two~~three square feet in area and shall not exceed two Signs per dwelling.

6.10.3.7. A property owner may display (or permit a realtor or real estate agency to display) a single Sign of not over four square feet in area advertising the property is for sale, provided that such signs are permitted only during the period that the property is for sale and must be removed within two weeks of the sale transaction closing. The erection of real estate signs at off-premises locations for directional or other purposes is prohibited.

6.10.3.8. A property owner may display (or permit a realtor or real estate agency to display) a single Sign of not over one and one-half square feet in area advertising the property is for rent or lease, provided that such signs are attached only to the Building for rent or lease and only during the period that the property is for rent or lease.

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Sign text shall be limited to a contact, company name, phone number, and/or website or email address. The sign shall be placed such that it does not damage or conceal significant architectural features or details.

~~(2)~~6.10.3.9. Residential users may display a single Sign, of not over threefour square feet in area relating to yard sales~~or to the sale, rental or lease of the premises,~~ provided such signs are not displayed more than one calendar day prior to the advertised sale and are removed not later than the calendar day following the advertised sale.

~~(3)~~6.10.3.10. Signs relating to trespassing and hunting shall be permitted consistent with Maine state law.

~~6.10.3.11.~~6.11—Signage approved by the Board of Overseers (for example, signage created by the Bayside Historical Preservation Society documenting the historical attributes of Bayside) shall be permitted on Village-owned property.

6.11. Exterior Lighting

Any land use may have adequate exterior lighting to provide for safety during nighttime hours. Lighting may be used that serves security, safety, and operational needs but that would not directly or indirectly affect abutting properties or that would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or adjacent dwellings, and so that they do not unnecessarily light the night sky. Direct or indirect illumination may not exceed 0.2 foot-candles at the Lot line.

6.12. Timber Harvesting

The following standards shall govern timber harvesting.

6.12.1. ~~6.11.1~~—Harvesting Operations

~~(1)~~6.12.1.1. Harvesting operations shall be conducted in such a manner that a well distributed stand of trees is retained.

~~(2)~~6.12.1.2. Harvesting activities shall not create single openings greater than 7,500 square feet in the forest canopy.

~~(3)~~6.12.1.3. In any stand, harvesting shall remove not more than 40% of the volume of trees six inches or more in diameter, ~~or larger,~~ measured four and one-half feet above the ground level, in any 10 ~~-~~year period. Removal of trees less than six inches in diameter,

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measured as above, is permitted in conformance with all other provisions of this section.

~~(4)~~6.12.1.4. Harvesting operations shall be conducted only between 7 AM and 6 PM and in such a manner ~~and at such a time~~ that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.

6.12.2. ~~6.11.2~~ Slash

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

~~6.11.3—~~

6.12.3. Roads

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

~~6.12—~~

6.13. Vegetative Cutting

In all Districts and, where applicable, to the extent permitted by the Shoreland Zoning Ordinance, clearing of trees and conversion to other vegetation is allowed for approved construction and landscaping. Clearing for agriculture shall conform to the standards for agriculture of this Ordinance: and, where applicable, to the Shoreland Zoning Ordinance. Where natural vegetation is removed, ~~it shall in a manner that destabilizes soil or contributes to erosion, the ground must be replaced with other stabilized either through an appropriate physical barrier, such as a retaining wall, or the area must be replanted with~~ vegetation that is equally effective in retarding erosion and preserving natural beauty stabilizing soil.

~~6.13—~~

6.14. Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that run off, seep, percolate, or wash into surface or ground waters so 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.

~~6.14—~~

6.15. Bed and Breakfast

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

~~(1)~~6.15.1. The applicant ~~must~~shall clearly demonstrate that an adequate water supply has been established that will provide sufficient water for the cooking, bathing, cleaning, and other reasonably anticipated water requirements of the Bed and Breakfast facility as proposed, as well as the established Dwelling.

~~(2)~~6.15.2. The applicant ~~must~~shall clearly demonstrate that a subsurface wastewater disposal system can be installed in full compliance with the State of Maine Wastewater disposal rules, as from time to time amended. Such system shall be installed and approved in conformance with said rules prior to undertaking a Bed and Breakfast use of the premises.

~~(3)~~6.15.3. On-premises ~~(that is, off-street-parking)~~ Parking Spaces shall be provided as follows:

~~(a)~~6.15.3.1. Two spaces for the owner/owners of the Bed and Breakfast establishment.

~~(b)~~6.15.3.2. One ~~space~~Parking Space for each room offered or to be offered for a fee.

~~(c)~~6.15.3.3. A ~~parking-space~~Parking Space shall be no less than 20 feet long by 9 feet wide.

~~(4)~~6.15.4. The applicant shall ~~also~~ clearly demonstrate that the criteria set forth in Section 6.409 can be met in the establishment and operation of a Bed and Breakfast use as applied for. Conditions may be attached ~~as set forth in Section 6.10(5)~~ by the permitting authority.

~~7. ARTICLE 7 - ADMINISTRATION~~

~~7.1 - Enforcement~~

6.15.5. The ~~provisions of this Ordinance~~Bed and Breakfast shall be ~~administered and enforced by owner-occupied~~.

6.15.6. The Bed and Breakfast shall offer no more than five rooms for sleeping accommodations, made available for a Code Enforcement Officer fee to transient guests.

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6.15.7. The Bed and Breakfast shall not offer any meals to guests other than a morning meal to overnight guests.

7. ADMINISTRATION

7.2

7.1. Application for Building Permit

~~(1)~~7.1.1. It shall be unlawful to start any work for the purpose of construction, alteration or removal of any BuildingStructure unless a building permit has been issued in conformance with this Ordinance and any requirements of the Town of Northport.

~~(2)~~7.1.2. Within 15 business days of the filing of an application for a building permit for the construction, alteration, or removal of any BuildingStructure, the Code Enforcement Officer shall approve or deny all such applications.

~~(3)~~7.1.3. All applications for Building Permitsbuilding permits shall be submitted in writing, in ~~duplicate~~triplicate, and signed by the Lot owner of record to the Code Enforcement Officer and shall include a site plan, accurately drawn to a suitable scale, showing:

~~(a)~~7.1.3.1. The size, shape and location of the Lot to be built upon.

~~(b)~~7.1.3.2. The size, shape, ~~height~~Height and location of the BuildingStructure to be erected, altered, or removed on the Lot, together with any other BuildingsStructures on the Lot.

~~(c)~~7.1.3.3. Setback lines of any BuildingsStructures on adjoining Lots.

~~(d)~~7.1.3.4. The Lot ~~coverage~~Coverage calculation.

~~(e)~~7.1.3.5. Any other information needed by the Code Enforcement Officer or Zoning Board of Appeals to determine whether or not the provisions of this Ordinance are being observed.

~~(4)~~7.1.4. One copy of the application and plans shall be returned to the Applicant by the Code Enforcement Officer marked approved or disapproved. The second copy of the application and plans shall be delivered by the applicant to the Northport Village Corporation office (Attention: Village Agent). The third copy of the application and plans shall be retained by the Code Enforcement Officer and shall be kept on file as a permanent public record.

~~(5)~~7.1.5. If no significant progress of construction has been made within one year, beginning with the date the permit was issued, the permit shall expire.

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7.2. ~~7.3~~ Permits Required

No ~~Building Permit~~building permit shall be issued for any Structure involving the construction, installation or alteration of sanitary plumbing facilities unless any and all subsidiary permits such as ~~Plumbing Permit, Electrical Permits, and Public Utility~~plumbing permits, electrical permits, and public utility connection authorizations have been secured.

7.3. ~~7.4~~ Fee

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

7.4. ~~7.5~~ Enforcement

~~(1)~~7.4.1. It shall be the duty of the Town of Northport Code Enforcement Officer to administer and enforce the provisions of this Ordinance.

~~(2)~~7.4.2. If the Code Enforcement Officer shall find that any ~~provisions~~provision of this Ordinance is being violated, the Code Enforcement Officer shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, with a copy of such notification sent to the Northport Village Corporation at office@nvcmaine.org.

7.5. ~~7.6~~ Legal Action and Violation

~~All Enforcement under this Ordinance is to be administered by the Town of Northport.~~ When the Code Enforcement Officer finds that a violation of any provision of this Ordinance persists in spite of attempted enforcement, the ~~Town Attorney~~town attorney (as designated by the ~~Selectpersons~~Select Board) is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate and necessary to enforce the provisions of this Ordinance in the name of the Town of Northport. The Town shall keep the Northport Village Corporation advised of all such action.

7.6. ~~7.7~~ Penalties for Violation

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, on conviction, shall be fined not less than \$20.00 nor more than \$1,000.00. Each day such a violation is permitted to exist after notification shall constitute a separate offense.

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7.7. ~~7.8~~ Appeals

Appeals ~~shall be~~ from ~~the any~~ written decision of the Code Enforcement Officer shall be taken pursuant to the Board of Appeals and from the Board of Appeals to the Superior Court, according to State law.

~~7.9~~ Board of Appeals

~~7.9.1~~ Establishment

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

~~7.9.2~~ Appointments and Composition

~~(1) — There shall be a Board of Appeals consisting of five members and one associate member, all of whom shall be registered voters of Bayside, appointed by the Town of Northport. The Board shall elect annually a chairperson and secretary from its membership. The secretary shall keep minutes of the proceedings of the Board of Appeals, which shall be a public record. A quorum shall consist of three _____ members.~~

Northport's

~~(2) — The term of members shall be that the term of one member shall expire each year.~~

~~(3) — The term of the associate member shall be for ~~five years~~. The associate member shall act on the Board in place of any member who may be unable to act because of personal involvement, absence or physical incapacity.~~

~~(4) — An Officer or Overseer of the Northport Village Corporation may not serve as a member.~~

~~7.9.3~~ Powers and Duties

~~(1) — Administrative Appeals: to hear and decide where it is alleged there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer in the enforcement of this Ordinance. The action of the Code Enforcement Officer may be affirmed, modified or reversed by majority of the Board of Appeals. The Appeal shall be conducted as a de novo _____ review.~~

~~(2) — Variance Appeals: to hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the~~

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~~public interest and where, because of conditions peculiar to the property a literal enforcement of this Ordinance would prevent reasonable use of property. A financial hardship shall not constitute grounds for granting a Variance. The crucial points are undue hardship and unique circumstances applying to the property, and not the result of the actions of the applicant.~~

- ~~(3) As used in this Ordinance, a Variance is authorized only for height, area, and size of Structures or size of yards and open spaces. Establishment or expansion otherwise prohibited shall not be allowed by Variance, nor shall a Variance be granted because of the presence of nonconformities in the District. The Board of Appeals may grant a Variance by majority vote of its members and in so doing, may prescribe conditions and safeguards as appropriate under this Ordinance.~~
- ~~(4) A Variance under the provisions of this Ordinance shall expire if the work or change involved is not commenced within one year of the date on which the appeal was granted.~~

7.9.4 Appeal Procedure

- ~~(1) Any person, aggrieved by a decision of the Code Enforcement Officer, shall commence his or her appeal within 30 days after a decision is made by the Code Enforcement Officer. An appeal shall be commenced by filing with the Board of Appeals, in writing, a document which shall specifically set forth the grounds for the appeal.~~
- ~~(2) Following the filing of an appeal, the Board of Appeals shall hold a public hearing on the appeal within 60 days. The Board of Appeals shall publish notice of the hearing at least 20 days in advance, in a newspaper of general circulation in Waldo County.~~
- ~~(3) The Board of Appeals shall notify, by certified mail, the appellant and adjacent property owners, of the nature of the appeal and of the time and place of the public hearing, at least 20 days in advance of the hearing. Adjacent property owners shall include those directly across a street from the property for which the appeal is being made. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.~~
- ~~(4) A party may be represented by agent or attorney at any hearing. Hearings shall not be continued to other times except for good cause.~~
- ~~(5) The Code Enforcement Officer, or his or her designated assistant, shall attend all hearings.~~

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~~(6) The appellant's case shall be heard first. Each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chair.~~

~~(7) Within 40 days of the public hearing, the Board of Appeals shall reach a decision and notify the appellant and the Code Enforcement Officer of its decision in writing.~~

~~(8) The Code Enforcement Officer shall immediately issue or revoke any Building Permit in accordance with the conditions of the approval of an appeal Ordinance.~~

~~(9) A Variance under the provisions of this Ordinance shall expire if the work or change involved is not commenced within one year of the date on which the appeal was granted.~~

~~7.10~~

7.8. Conditional Use Permits

7.8.1. ~~7.10.1~~ Authorization

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

7.10.2 Powers and Duties

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

7.10.3 Application Procedure

~~(1) A person informed by the Code Enforcement Officer that he requires a Conditional Use Permit shall file an application, in writing, for the permit with the Board of Appeals.~~

~~(2) Following the filing of an application for a Conditional Use Permit the same procedure shall be followed as included under Section 6.9(4), items (2) through and including (7).~~

~~(3) Upon notification of the decision of the Board of Appeals, the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the Board of Appeals, or deny a Building Permit for the Conditional Use, or a Conditional Use Permit.~~

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- ~~(4) — A Conditional Use Permit secured under the provisions of this Ordinance shall expire if the work or change involved is not commenced within one year of the date on which the Conditional Use is authorized.~~

~~7.8.2.~~ ~~7.10.4~~ Factors Applicable to Conditional Uses

- ~~(1)~~ 7.8.2.1. In considering a Conditional Use Permit, the Zoning Board of Appeals shall evaluate the immediate and long-range effects of the proposed use, giving due consideration to promoting the public health, safety, convenience, and welfare, encouraging the most appropriate use of the land, and conserving property values.

- ~~(2)~~ 7.8.2.2. The Zoning Board of Appeals shall also consider the following factors:

- (a) The prevention and control of air and water pollution.
- (b) The compatibility of the proposed use with adjacent land uses.
- (c) The amount and type of wastes to be generated by the proposed use, including surface water runoff, and the adequacy of the proposed disposal systems.
- (d) The impact of the proposed use on the peace and tranquility of the neighborhood and the quiet enjoyment of other neighborhood properties.

~~7.8.3.~~ ~~7.10.5~~ Conditions Attached to Conditional Uses

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

FINAL

After Public Hearings: 9/2 and 11/18/2018

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ATTESTATION

I certify that this to be a true and complete copy of the Zoning Ordinance of the Northport Village Corporation, Northport, Maine, enacted ~~_____~~ the day of _____, ~~2018~~ 2022.

ATTEST: _____
Clerk, Northport Village Corporation

Date: _____

EXHIBIT A
Zoning Map of the Northport Village Corporation [Better version of map forthcoming]



EXHIBIT B **Map of the Bayside Historic District**

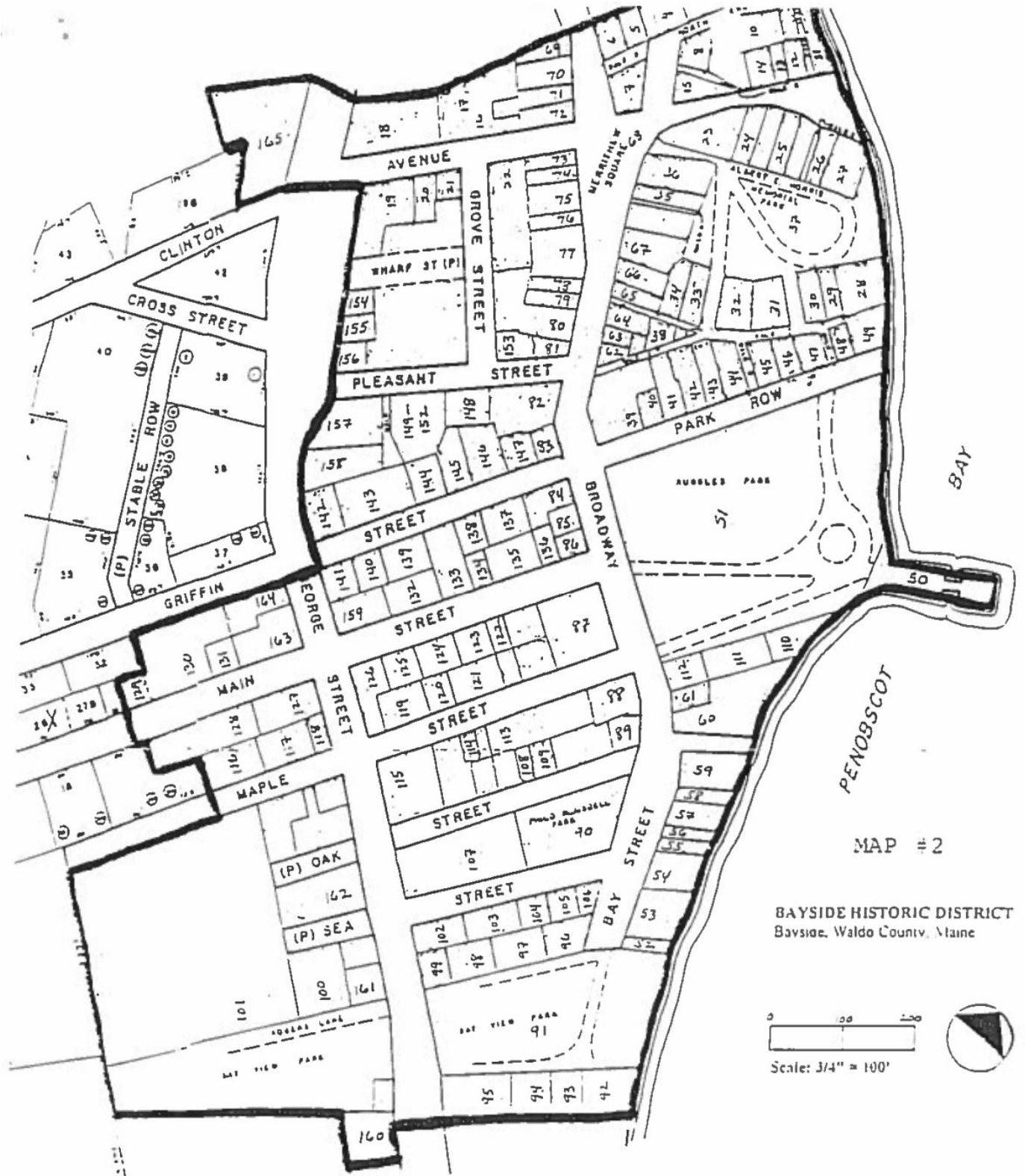


EXHIBIT C
Basic Requirements Matrix for NVC Zoning Ordinance Districts

<u>Basic Requirement</u>	<u>Historic</u>	<u>R-1</u>	<u>R-2</u>	<u>GP</u>
<u>Minimum Lot size, without access to a public sanitary sewer system</u>	<u>20,000 square feet</u>			
<u>Minimum Lot size, with access to a public sanitary sewer system</u>	<u>2,500 square feet</u>	<u>10,000 square feet</u>	<u>20,000 square feet</u>	<u>20,000 square feet</u>
<u>Minimum road Frontage</u>	<u>50 feet</u>	<u>75 feet</u>	<u>100 feet</u>	<u>100 feet</u>
<u>Minimum setbacks</u>	<u>6 feet from a property line</u> <u>8 feet from a Building on adjacent property</u>	<u>10 feet from a property line</u> <u>15 feet from a Building on adjacent property</u>	<u>Front: 50 feet</u> <u>Side: 10 feet</u> <u>Rear: 20 feet</u>	<u>Front: 50 feet</u> <u>Side: 10 feet</u> <u>Rear: 20 feet</u>
<u>Height limit</u>	<u>35 feet</u>			
<u>The Lot Coverage limit, including land area previously developed</u>	<u>Lots equal to or less than 2,500 square feet: 45%</u> <u>Lots equal to or less than 5,000 square feet, but more than 2,500 square feet: the greater of 35% or 1,125 square feet of Lot Coverage</u> <u>Lots greater than 5,000 square feet: the greater of 20% or 1,750 square feet of Lot Coverage</u>	<u>20%</u>	<u>20%</u>	<u>20%</u>
<u>Minimum off-street Parking Spaces provided on the Lot</u>	<u>One</u>	<u>Two</u>	<u>Two</u>	<u>Not applicable</u>
<u>Sanitary sewer system connection</u>	<u>Every Dwelling Unit, including Accessory Dwelling Units, must have a separate connection to a sanitary sewer system or a subsurface wastewater disposal system. Where a sewer system is available, each unit must have a separate connection to that system. Where a sewer system is unavailable, each unit must have a subsurface wastewater disposal system connection as permitted by the Code Enforcement Officer.</u>			