

***An Ordinance Amending the Zoning Ordinance of the  
Town of Turner, Maine, Eliminating the  
Agricultural/Industrial District.***

### SECTION 3 District Purposes, District Uses and Space and Bulk Standards of Districts

#### A. General Purposes

1. To implement the Town of Turner's Comprehensive Plan policies and its Future Land Use Plan;
2. To allow future growth to occur in designated portions of the community and to restrict growth in other areas;
3. To provide for separation of land uses that might otherwise be incompatible;
4. To protect the natural resources of the community from degradation; and
5. To provide for an orderly future growth pattern of the community.

#### B. Specific District Purpose

~~1. — Agricultural/Industrial District: The purpose of the Agricultural/Industrial District is to provide locations for industrial, manufacturing, warehousing and other businesses that can coexist with egg production and processing. New residential development except employee housing will not be permitted in this area. These uses are allowable provided that safeguards are maintained to minimize degradation to the sand and gravel aquifer which underlies this area. Lot sizes should be based on area to be covered by structures, outside storage and parking. Maximum lot coverage ratios should not exceed 75% if it can be shown that ground water resources will be protected.~~

1 -2. **Commercial I District.** The purpose of the Commercial I District is to provide commercial development locations adjacent to Route 4 without conflicting with its traffic carrying capacity. The district is intended to allow commercial uses while controlling highway access and encouraging quality site and structure design so as to enhance the Town's character and to avoid commercial strip development. Development in this district should have a minimum of 40,000 square feet of lot area.

2 -3. **Commercial II District.** The purpose of the Commercial II District is to provide for commercial development locations adjacent to Route 4 that are less suitable for such development than that of the Commercial I District due to transportation and environmental factors. Development will not conflict with Route 4 traffic carrying capacity. Development standards shall control highway access, encourage quality site and structural design so as to enhance the Town's character, avoid commercial strip development and protect natural resources. Development in this district should have a minimum of 80,000 square feet of lot area.

3 -4. **Village District.** The purpose of the Village District is to allow for traditional village development patterns and uses to continue and expand.

4 -5. **General Residential I District.** The purpose of the General Residential I District is to provide areas that are primarily devoted to residential uses and mobile home parks. Uses other than residential should not conflict with the residential purpose of this district. Development in this district should have a minimum of 40,000 square feet of lot area.

- 5 6. **General Residential II District:** The purpose of the General Residential II District is to maintain residential development as it currently exists or is appropriate for this type of development at less density. The area should be primarily residential, except no mobile home parks shall be permitted. Other land uses appropriate and compatible with residential uses should include public and semi-public uses and commercial uses associated with residential areas. Development in this district should have a minimum of 80,000 square feet of lot area.
- 6 7. **Rural I District.** The purpose of the Rural I District is to maintain the rural character of the Town including agricultural and forest lands. Portions of these areas are served by road systems not designed for high traffic volumes. Residential development should be medium density and not conflict with rural uses including agriculture and commercial forestry. Development in this district should have a minimum of 80,000 square feet of lot area..
- 1 8. **Rural II District.** The purpose of the Rural II District is to preserve areas not well suited for development. They are not well suited for development because of natural resource values that include wildlife habitat and wetlands, physical characteristics that include steep slopes and soils not well suited to development, adjacency to large undeveloped tracts of land, lack of accessibility by public roads, areas where new public roads could result in significant public expenditures and critical lake watersheds. These factors make the Rural II areas only suitable for new development at low densities. Development in this district should have a minimum of 5 acres of lot area when suitable private road access is available. Residential subdivisions, in these areas, shall be a minimum of one dwelling per 5 acres and no new public roads shall be created. Clustering of residential development shall be required.
- 8 9. **Shoreland District.** The purpose of the Shoreland District is to provide for residential and other land use activities generally associated with Shoreland setting including light commercial uses adjacent to the Town's, ponds, rivers and wetlands while protecting water quality, shorelands and visual quality as required by the Mandatory Shoreland Zoning Act. The Shoreland District is that area within two hundred and fifty (250) feet, horizontal distance, of the normal high water line of a great pond or river or within two hundred fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. The Shoreland District does not include those areas depicted on the Official Zoning Map as other Districts even though they may fall within the 250-foot area.
- 9 10. **Resource Protection District.** The purpose of the Resource Protection District is to regulate development which would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas, except those areas which are currently lawfully developed.
- a. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife as of January 1, 1973.
  - b. Floodplains, except in the Village District, along all rivers, streams, brooks, ponds and floodplains along artificially formed great ponds defined by the 100-year floodplain as designated as areas of special flood hazard, Zones A and AE for the Town of Turner, Androscoggin County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Androscoggin County Maine" dated July 8, 2013 with panels: 082E, 084E, 085E, 091E, 092E, 093E, 094E, 101E, 102E, 103E, 104E, 108E, 111E, 112E, 113E, 114E, 116D, 118E, 180E, 181E, 182E, 183E, 184E, 201E, 202E, 203E

**RESIDENTIAL USES**

**District**

| Use  | Agriculture/<br>Industrial | Commercial<br>I | Commercial<br>II  | Village         | General<br>Residential I | General<br>Residential II | Rura<br>I I     | Rura<br>I II    | Shoreland         | Resource<br>Protection |
|--|----------------------------|-----------------|-------------------|-----------------|--------------------------|---------------------------|-----------------|-----------------|-------------------|------------------------|
| Single family dwelling                                       | No <sup>25</sup>           | No              | No                | CEO             | CEO                      | CEO                       | CEO             | CEO             | CEO               | No                     |
| Duplex   | No <sup>49</sup>           | No              | No                | CEO             | CEO                      | CEO                       | CEO             | CEO             | CEO               | No                     |
| Multi-family dwelling <sup>1</sup>                           | No <sup>49</sup>           | No              | No                | PB <sup>3</sup> | PB <sup>3</sup>          | PB <sup>3</sup>           | No              | No              | No                | No                     |
| Manufactured Home  | No <sup>49</sup>           | No              | No                | CEO             | CEO                      | CEO                       | CEO             | CEO             | CEO               | No                     |
| Mobile Home Park   | No <sup>7</sup>            | No              | No                | No              | PB <sup>3</sup>          | No <sup>7</sup>           | No              | No              | No                | No                     |
| Open Space Development                                       | No                         | No              | No                | PB <sup>3</sup> | PB <sup>3</sup>          | PB <sup>3</sup>           | PB <sup>3</sup> | PB <sup>3</sup> | PB <sup>3</sup>   | No                     |
| Congregate Housing   | No                         | No              | No                | PB <sup>2</sup> | PB <sup>2</sup>          | PB <sup>2</sup>           | No              | No              | No                | No                     |
| Structures Accessory to<br>Allowed Uses                      | CEO                        | CEO             | CEO <sup>28</sup> | CEO             | CEO                      | CEO                       | CEO             | CEO             | CEO               | CEO                    |
| Swimming Pool  | CEO                        | CEO             | CEO <sup>25</sup> | CEO             | CEO                      | CEO                       | CEO             | CEO             | CEO               | CEO                    |
| Conversion of Seasonal<br>to Year-round                      | No                         | CEO             | CEO <sup>28</sup> | CEO             | CEO                      | CEO                       | CEO             | CEO             | CEO <sup>18</sup> | No                     |
| Home Occupation <sup>9, 31</sup>                             | CEO                        | CEO             | CEO <sup>25</sup> | PB              | CEO                      | CEO                       | CEO             | CEO             | PB                | PB                     |
| Private Sewage Disposal<br>Systems for Allowed<br>Uses       | LPI                        | LPI             | LPI <sup>25</sup> | LPI             | LPI                      | LPI                       | LPI             | LPI             | LPI               | LPI                    |
| Uses Similar to Uses<br>Requiring Permit from<br>CEO         | CEO                        | CEO             | CEO <sup>28</sup> | CEO             | CEO                      | CEO                       | CEO             | CEO             | CEO               | CEO                    |
| Uses Similar to Uses<br>Requiring Planning Board<br>Approval | PB                         | PB              | PB <sup>28</sup>  | PB              | PB                       | PB                        | PB              | PB              | PB                | PB                     |
| Uses Similar to Not<br>Permitted                             | No                         | No              | No                | No              | No                       | No                        | No              | No              | No                | No                     |
| Yard Sales   | Yes                        | Yes             | Yes <sup>28</sup> | Yes             | Yes                      | Yes                       | Yes             | Yes             | Yes               | Yes                    |
| In-Law Apartment   | No                         | No              | No                | CEO             | CEO                      | CEO                       | CEO             | CEO             | No                | No                     |

EDUCATION, INSTITUTIONAL AND PUBLIC USES

District

| Use  | Agricultural /Industrial | Commercial I    | Commercial II      | Village                         | General Residential I | General Residential II | Rural I           | Rural II | Shoreland                       | Resource Protection             |
|--|--------------------------|-----------------|--------------------|---------------------------------|-----------------------|------------------------|-------------------|----------|---------------------------------|---------------------------------|
| Accessory Structures   | CEO                      | CEO             | CEO <sup>28</sup>  | CEO                             | CEO                   | CEO                    | CEO               | CEO      | CEO                             | CEO                             |
| Church, Synagogue, Paris House <sup>31</sup>   | No                       | No              | No                 | PB <sup>2</sup>                 | PB <sup>2</sup>       | PB <sup>2</sup>        | No                | No       | No                              | No                              |
| Community Centers <sup>31</sup>  | No                       | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup>                 | No                    | PB <sup>2</sup>        | PB <sup>2</sup>   | No       | PB <sup>2</sup>                 | No                              |
| Day Care <sup>31</sup>   | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup>                 | PB <sup>2</sup>       | PB <sup>2</sup>        | PB <sup>2,3</sup> | No       | PB <sup>2</sup>                 | No                              |
| Essential Services   | YES                      | YES             | YES <sup>28</sup>  | YES                             | YES                   | YES                    | YES               | YES      | PB <sup>2</sup>                 | PB <sup>2</sup>                 |
| A. Roadside distribution lines (34.5kV and lower) in the shoreland area                                  | -                        | -               | -                  | YES <sup>24</sup>               | -                     | -                      | -                 | -        | CEO <sup>25</sup>               | CEO <sup>25</sup>               |
| B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland area    | -                        | -               | -                  | CEO                             | -                     | -                      | -                 | -        | CEO                             | PB <sup>2</sup> & <sup>25</sup> |
| C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland area | -                        | -               | -                  | PB <sup>2</sup> & <sup>25</sup> | -                     | -                      | -                 | -        | PB <sup>2</sup> & <sup>25</sup> | PB <sup>2</sup> & <sup>25</sup> |
| Fire, Police Stations  | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup>                 | No                    | PB <sup>2</sup>        | No                | No       | No                              | No                              |
| Government Office  | No                       | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup>                 | No                    | PB <sup>2</sup>        | No                | No       | No                              | No                              |

| Use   | <del>Ag</del><br>Agricultural/<br>Industrial | Commercial<br>I | Commercial<br>II   | Village         | General<br>Residential<br>I | General<br>Residential<br>II | Rural<br>I        | Rural II        | Shoreland       | Resource<br>Protection |
|---|--|-----------------|--------------------|-----------------|-----------------------------|------------------------------|-------------------|-----------------|-----------------|------------------------|
| Group Homes   | <del>No</del>                                | No              | No                 | PB <sup>2</sup> | PB <sup>2</sup>             | PB <sup>2</sup>              | PB <sup>2</sup>   | No              | No              | No                     |
| Hospice, Nursing Home   | <del>No</del>                                | No              | No                 | PB <sup>2</sup> | PB <sup>2</sup>             | PB <sup>2</sup>              | No                | No              | No              | No                     |
| Museum/Library  | <del>No</del>                                | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                          | PB <sup>2</sup>              | PB <sup>2,8</sup> | No              | No              | No                     |
| Public, Private Schools <sup>31</sup>                             | <del>No</del>                                | No              | No                 | PB <sup>2</sup> | PB <sup>2</sup>             | PB <sup>2</sup>              | PB <sup>2</sup>   | No              | No              | No                     |
| Public Utility Facility   | PB <sup>2</sup>                              | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | PB <sup>2</sup>             | PB <sup>2</sup>              | PB <sup>2</sup>   | PB <sup>2</sup> | No              | No                     |
| Municipal Recycling   | PB <sup>2</sup>                              | PB <sup>2</sup> | PB <sup>2,28</sup> | No              | No                          | PB <sup>2</sup>              | PB <sup>2</sup>   | No              | No              | No                     |
| Clinics/Hospital  | <del>No</del>                                | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                          | PB <sup>2</sup>              | No                | No              | No              | No                     |
| Private and Semi-Public<br>Clubs                                  | <del>No</del>                                | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                          | PB <sup>2</sup>              | No                | PB <sup>2</sup> | PB <sup>2</sup> | No                     |
| Uses Similar to Uses<br>Requiring Review<br>Planning Board Permit | <del>No</del>                                | PB              | PB <sup>2,28</sup> | PB              | PB                          | PB                           | PB                | PB              | PB              | PB                     |
| Uses Similar to Not<br>Permitted                                  | <del>No</del>                                | No              | No                 | No              | No                          | No                           | No                | No              | No              | No                     |

OUTDOOR, RESOURCE BASE USES

District

| Use  | Agricultural /Industrial | Commercial I      | Commercial II         | Village           | General Residential I | General Residential II | Rural I            | Rural II          | Shoreland          | Resource Protection |
|--|--------------------------|-------------------|-----------------------|-------------------|-----------------------|------------------------|--------------------|-------------------|--------------------|---------------------|
| Accessory Structures   | CEO                      | CEO               | CEO <sup>25</sup>     | CEO               | CEO                   | CEO                    | CEO                | CEO               | CEO                | CEO                 |
| Agriculture  | Yes                      | Yes               | Yes <sup>25</sup>     | PB <sup>4</sup>   | PB <sup>4</sup>       | Yes                    | Yes                | Yes               | Yes                | Yes                 |
| Confined Feeding Operations  | CEO                      | PB <sup>2</sup>   | PB <sup>2, 23</sup>   | No                | No                    | No                     | PB <sup>2</sup>    | PB <sup>2</sup>   | No                 | No                  |
| Agriculture Products Processing and Storage  | CEO                      | PB <sup>2</sup>   | PB <sup>2, 23</sup>   | No                | No                    | No                     | PB <sup>2</sup>    | PB <sup>2</sup>   | No                 | No                  |
| Farm Stands  | Yes                      | PB <sup>2</sup>   | PB <sup>2, 23</sup>   | PB <sup>2</sup>   | PB <sup>2</sup>       | Yes                    | Yes                | Yes               | PB <sup>2</sup>    | No                  |
| Clearing or removal of vegetation for activities other than timber harvesting  | Yes                      | Yes               | Yes <sup>23</sup>     | Yes               | Yes                   | Yes                    | Yes                | Yes               | Yes                | CEO                 |
| Individual, Private Campsites  | No                       | No                | No                    | No                | CEO                   | CEO                    | CEO                | CEO               | CEO                | CEO                 |
| Piers, docks, wharfs, bridges & other structures & uses extending over or below the normal high-water line or within a wetland |                          |                   |                       |                   |                       |                        |                    |                   |                    |                     |
| A. Temporary   | CEO <sup>23</sup>        | CEO <sup>23</sup> | CEO <sup>23, 28</sup> | CEO <sup>23</sup> | CEO <sup>23</sup>     | CEO <sup>23</sup>      | CEO <sup>23</sup>  | CEO <sup>23</sup> | CEO <sup>23</sup>  | CEO <sup>23</sup>   |
| B. Permanent   | PB                       | PB                | PB <sup>23</sup>      | PB                | PB                    | PB                     | PB                 | PB                | PB                 | PB                  |
| Private Common Docking Facility  | No                       | No                | No                    | No                | No                    | No                     | No                 | No                | PB <sup>2</sup>    | PB <sup>2, 22</sup> |
| Public Docking Facility  | No                       | No                | No                    | PB <sup>2</sup>   | No                    | No                     | No                 | No                | PB <sup>2</sup>    | PB <sup>2, 22</sup> |
| Road and Driveway Construction   | CEO                      | CEO               | CEO <sup>28</sup>     | CEO               | CEO                   | CEO                    | CEO                | CEO               | PB                 | No <sup>12</sup>    |
| Parking Facilities   | Yes                      | Yes               | Yes <sup>28</sup>     | Yes               | Yes                   | Yes                    | Yes                | Yes               | PB                 | No <sup>13</sup>    |
| Cemetery   | No                       | No                | No                    | PB <sup>2</sup>   | PB <sup>2</sup>       | PB <sup>2</sup>        | PB <sup>2, 5</sup> | No                | PB <sup>2, 5</sup> | No                  |
| Mineral Exploration  | Yes                      | Yes               | Yes <sup>26</sup>     | Yes               | Yes                   | Yes                    | Yes                | Yes               | CEO <sup>14</sup>  | CEO <sup>14</sup>   |

| Use   | Agricultural / Industrial | Commercial I    | Commercial II         | Village         | General Residential I | General Residential II | Rural I         | Rural II        | Shoreland       | Resource Protection |
|---|---------------------------|-----------------|-----------------------|-----------------|-----------------------|------------------------|-----------------|-----------------|-----------------|---------------------|
| Mineral Extraction                                  | PB <sup>2</sup>           | PB <sup>2</sup> | PB <sup>2, 28</sup>   | No              | PB <sup>2</sup>       | PB <sup>2</sup>        | PB <sup>2</sup> | PB <sup>2</sup> | No              | PB <sup>2</sup>     |
| Quarries  | PB <sup>2</sup>           | PB <sup>2</sup> | PB <sup>2, 28</sup>   | No              | No                    | PB <sup>2</sup>        | PB <sup>2</sup> | PB <sup>2</sup> | No              | PB <sup>2</sup>     |
| Golf Course   | No                        | PB <sup>2</sup> | PB <sup>2, 28</sup>   | No              | PB <sup>2</sup>       | PB <sup>2</sup>        | PB <sup>2</sup> | No              | PB <sup>2</sup> | PB <sup>13</sup>    |
| Parks and Recreation <sup>31</sup>                  | PB <sup>2</sup>           | PB <sup>2</sup> | PB <sup>28</sup>      | PB <sup>2</sup> | PB <sup>2</sup>       | PB <sup>2</sup>        | PB <sup>2</sup> | PB <sup>2</sup> | PB <sup>2</sup> | PB <sup>2</sup>     |
| Filling and Earth Moving <10 cubic yards            | Yes                       | Yes             | Yes <sup>28</sup>     | Yes             | Yes                   | Yes                    | Yes             | Yes             | Yes             | CEO                 |
| Filling and Earth Moving 10-1,000 cubic yards       | Yes                       | Yes             | Yes <sup>28, 29</sup> | Yes             | Yes                   | Yes                    | Yes             | Yes             | PB              | PB                  |
| Filling and Earth Moving >1,000 cubic yards         | CEO                       | CEO             | CEO <sup>28</sup>     | CEO             | CEO                   | CEO                    | CEO             | CEO             | PB              | PB                  |
| Sludge Spreading                                    | Yes                       | PB <sup>2</sup> | PB <sup>2, 28</sup>   | No              | No                    | No                     | PB <sup>2</sup> | PB <sup>2</sup> | No              | PB <sup>2</sup>     |
| Septage Disposal Site                               | Yes                       | PB <sup>2</sup> | PB <sup>2, 28</sup>   | No              | No                    | No                     | PB <sup>2</sup> | PB <sup>2</sup> | No              | No                  |
| Uses Similar to Allowed Uses                        | Yes                       | Yes             | Yes <sup>28</sup>     | Yes             | Yes                   | Yes                    | Yes             | Yes             | Yes             | Yes                 |
| Uses Similar to Use Required Permit from CEO        | CEO                       | CEO             | CEO <sup>28</sup>     | CEO             | CEO                   | CEO                    | CEO             | CEO             | CEO             | CEO                 |
| Uses Similar to Uses Required Planning Board Permit | PB                        | PB              | PB <sup>28</sup>      | PB              | PB                    | PB                     | PB              | PB              | PB              | PB                  |
| Uses Similar to Not Permitted                       | No                        | No              | No                    | No              | No                    | No                     | No              | No              | No              | No                  |
| Breeder & Brooder Barns                             | Yes                       | Yes             | Yes <sup>28</sup>     | No              | No                    | No                     | PB <sup>2</sup> | PB <sup>2</sup> | No              | No                  |



COMMERCIAL USES

District

| Use                                | Agricultural /Industrial | Commercial I    | Commercial II           | Village         | General Residential I | General Residential II | Rural I         | Rural II        | Shoreland       | Resource Protection |
|------------------------------------|--------------------------|-----------------|-------------------------|-----------------|-----------------------|------------------------|-----------------|-----------------|-----------------|---------------------|
| Accessory Structures <sup>1)</sup> | CEO                      | CEO             | CEO <sup>28</sup>       | CEO             | CEO                   | CEO                    | CEO             | CEO             | CEO             | CEO                 |
| Amusement Facility (indoor)        | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2, 28</sup>     | PB <sup>2</sup> | No                    | No                     | No              | No              | No              | No                  |
| Commercial Recreation              | No                       | PB <sup>2</sup> | PB <sup>2, 28</sup>     | No              | No                    | PB <sup>2</sup>        | PB <sup>2</sup> | PB <sup>2</sup> | PB <sup>2</sup> | No                  |
| Rental Cabins                      | No                       | No              | No                      | No              | No                    | No                     | PB <sup>2</sup> | PB <sup>2</sup> | PB <sup>2</sup> | No                  |
| Automobile Recycling               | No                       | PB <sup>2</sup> | No                      | No              | No                    | No                     | PB <sup>2</sup> | No              | No              | No                  |
| Automobile Graveyard               | No                       | No              | No                      | No              | No                    | No                     | No              | No              | No              | No                  |
| Junkyard                           | No                       | No              | No                      | No              | No                    | No                     | No              | No              | No              | No                  |
| Auto Body Shop                     | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2, 27, 28</sup> | No              | No                    | No <sup>26</sup>       | No              | No              | No              | No                  |
| Auto Repair                        | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2, 27, 28</sup> | PB <sup>2</sup> | No                    | No <sup>26</sup>       | No              | No              | No              | No                  |
| Auto Car Wash                      | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2, 27, 28</sup> | PB <sup>2</sup> | No                    | No                     | No              | No              | No              | No                  |
| Bed & Breakfast                    | No                       | PB <sup>2</sup> | PB <sup>2, 28</sup>     | PB <sup>2</sup> | PB <sup>2</sup>       | PB <sup>2</sup>        | PB <sup>2</sup> | PB <sup>2</sup> | PB <sup>2</sup> | No                  |
| Building Materials - Retail Sales  | No                       | PB <sup>2</sup> | PB <sup>2, 28</sup>     | PB <sup>2</sup> | No                    | No                     | PB <sup>2</sup> | PB <sup>2</sup> | No              | No                  |
| Commercial School                  | No                       | PB <sup>2</sup> | PB <sup>2, 28</sup>     | PB <sup>2</sup> | No                    | No                     | No              | No              | No              | No                  |
| Firewood Processing                | Yes                      | PB <sup>2</sup> | PB <sup>2, 28</sup>     | No              | No                    | PB <sup>2</sup>        | PB <sup>2</sup> | Yes             | No              | No                  |
| Gasoline Service Station           | No                       | PB <sup>2</sup> | PB <sup>2, 27, 28</sup> | PB <sup>2</sup> | No                    | No                     | No              | No              | No              | No                  |
| Hotel/Motel                        | No                       | PB <sup>2</sup> | No                      | PB <sup>2</sup> | No                    | No                     | No              | No              | PB <sup>2</sup> | No                  |
| Indoor Theater                     | No                       | PB <sup>2</sup> | No                      | PB <sup>2</sup> | No                    | No                     | No              | No              | No              | No                  |

COMMERCIAL USES, cont.

| Use  | Agricultural                                      | Commercial I                                      | Commercial II                                     | Village   | General Residential I                             | General Residential III                           | Rural I   | Rural II  | Shoreland   | Resource Protection                               |
|--|---|---|---|---|---|---|---|---|---|---|
| Kennel, Stable, Veterinary Hospital        | PB <sup>2</sup>                                   | PB <sup>2</sup>                                   | PB <sup>2, 28</sup>                               | No  | No  | PB <sup>2</sup>                                   | PB <sup>2</sup>                                   | No  | No  | No  |
| Medical and Retail Marijuana Establishment | Please see Medical and Retail Marijuana Ordinance | Please see Medical and Retail Marijuana Ordinance | Please see Medical and Retail Marijuana Ordinance | Please see Medical and Retail Marijuana Ordinance | Please see Medical and Retail Marijuana Ordinance | Please see Medical and Retail Marijuana Ordinance | Please see Medical and Retail Marijuana Ordinance | Please see Medical and Retail Marijuana Ordinance | Please see Medical and Retail Marijuana Ordinance | Please see Medical and Retail Marijuana Ordinance |
| Motor Vehicle Sales                        | PB <sup>2</sup>                                   | PB <sup>2</sup>                                   | No <sup>30</sup>                                  | No <sup>20</sup>                                  | No  | No <sup>26</sup>                                  | No  | No  | No  | No  |
| Neighborhood Convenience Store             | No  | PB <sup>2</sup>                                   | PB <sup>2, 28</sup>                               | PB <sup>2</sup>                                   | PB <sup>2</sup>                                   | PB <sup>2</sup>                                   | No  | No  | No  | No  |

COMMERCIAL USES, cont.

| Use  | Agricultural /Industrial | Commercial I    | Commercial II      | Village         | General Residential I | General Residential II | Rural I           | Rural I II       | Shoreland        | Resource Protection |
|--|--------------------------|-----------------|--------------------|-----------------|-----------------------|------------------------|-------------------|------------------|------------------|---------------------|
| Offices: Business, Professional, Medical             | No                       | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                    | No                     | No                | No               | No               | No                  |
| Publishing, Printing                                 | No                       | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                    | No                     | No                | No               | No               | No                  |
| Commercial Communication Tower                       | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                    | No                     | PB <sup>2</sup>   | PB <sup>2</sup>  | No               | No                  |
| Restaurant   | No                       | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                    | PB <sup>2</sup>        | PB <sup>2</sup>   | No               | PB <sup>2</sup>  | No                  |
| Retail Business                                      | No                       | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                    | No                     | No                | No               | No               | No                  |
| Service Business                                     | No                       | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                    | No                     | No                | No               | No               | No                  |
| Shopping Center                                      | No                       | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                    | No                     | No                | No               | No               | No                  |
| Wholesale Business                                   | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2,28</sup> | No              | No                    | No                     | PB <sup>2</sup>   | PB <sup>2</sup>  | No               | No                  |
| Campground   | No                       | No              | No                 | No              | No                    | No                     | PB <sup>2</sup>   | PB <sup>2</sup>  | PB <sup>2</sup>  | No <sup>13</sup>    |
| Funeral Home   | No                       | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                    | No                     | No                | No               | No               | No                  |
| Agricultural Related Services/Sales                  | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                    | PB <sup>2</sup>        | PB <sup>2</sup>   | No               | No               | No                  |
| Auction Barn/Antique Sales                           | No                       | PB <sup>2</sup> | PB <sup>2,28</sup> | PB <sup>2</sup> | No                    | PB <sup>2</sup>        | PB <sup>2,8</sup> | No               | No               | No                  |
| Cluster Commercial Development                       | PB <sup>2</sup>          | PB <sup>3</sup> | PB <sup>3,28</sup> | PB <sup>3</sup> | No                    | No                     | No                | No               | No               | No                  |
| Farm Enterprise                                      | PB <sup>2+</sup>         | No              | No                 | No              | No                    | No                     | PB <sup>21</sup>  | PB <sup>21</sup> | PB <sup>21</sup> | No                  |
| Signs  | CEO                      | CEO             | CEO <sup>28</sup>  | CEO             | CEO                   | CEO                    | CEO               | CEO              | CEO              | CEO                 |
| Uses Similar to Uses Requiring Planning Board Permit | PB                       | PB              | PB <sup>28</sup>   | PB              | PB                    | PB                     | PB                | PB               | PB               | PB                  |
| Uses Similar to Not Permitted                        | No                       | No              | No                 | No              | No                    | No                     | No                | No               | No               | No                  |
| Peddlers   | Yes                      | Yes             | Yes                | Yes             | Yes                   | Yes                    | Yes               | Yes              | Yes              | Yes                 |

**INDUSTRIAL USES**

**District**

| Use  | Agricultural /Industrial | Commercial I    | Commercial II           | Village            | General Residential I | General Residential II | Rura I I           | Rura I II       | Shoreland | Resource Protection |
|--|--------------------------|-----------------|-------------------------|--------------------|-----------------------|------------------------|--------------------|-----------------|-----------|---------------------|
| Accessory Structure <sup>17</sup>                    | YES                      | YES             | YES <sup>28</sup>       | YES                | YES                   | YES                    | YES                | YES             | No        | No                  |
| Bulk Oil, Gas Terminal                               | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2, 27, 28</sup> | No                 | No                    | No                     | No                 | No              | No        | No                  |
| Demolition, Waste Disposal                           | PB                       | No              | No                      | No                 | No                    | No                     | No                 | No              | No        | No                  |
| Heavy Manufacturing                                  | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2, 27, 28</sup> | No                 | No                    | No                     | No                 | No              | No        | No                  |
| Light Manufacturing                                  | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2, 27, 28</sup> | PB <sup>2</sup>    | No                    | No                     | PB                 | No              | No        | No                  |
| Commercial Recycling Operations                      | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2, 28</sup>     | No                 | No                    | No                     | No                 | No              | No        | No                  |
| Sawmill  | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2, 28</sup>     | No                 | No                    | No                     | PB <sup>2</sup>    | Yes             | No        | No                  |
| Trucking, Distribution Terminal                      | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2, 28</sup>     | No                 | No                    | No                     | PB <sup>2</sup>    | No              | No        | No                  |
| Warehousing and Storage                              | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2, 28</sup>     | PB <sup>2, 3</sup> | No                    | No                     | PB <sup>2, 8</sup> | No              | No        | No                  |
| Airport  | PB <sup>2</sup>          | No              | No                      | No                 | No                    | No                     | No                 | No              | No        | No                  |
| Abattoirs  | PB <sup>2</sup>          | No              | No                      | No                 | No                    | No                     | PB <sup>2</sup>    | PB <sup>2</sup> | No        | No                  |
| Bulk Grain Storage                                   | PB <sup>2</sup>          | PB <sup>2</sup> | PB <sup>2, 28</sup>     | No                 | No                    | No                     | PB <sup>2</sup>    | PB <sup>2</sup> | No        | No                  |
| Uses Similar to Uses Requiring Planning Board Permit | PB                       | PB              | PB <sup>28</sup>        | PB                 | PB                    | PB                     | PB                 | PB              | PB        | PB                  |
| Uses Similar to Not Permitted                        | No                       | No              | No                      | No                 | No                    | No                     | No                 | No              | No        | No                  |

## I. Space and Bulk Standards

Lots in each District shall meet or exceed the following minimum space and bulk standards (variations in bulk and space standards may be allowed by Section 4 of this ordinance and the Town of Turner Subdivision Ordinance). After the effective date of this ordinance, no lot shall be created or reduced below the minimum standards unless allowed by other provisions of this ordinance.

1. Land below the normal high-water line of a water body and land beneath streets serving more than two (2) lots shall not be included toward calculating minimum lot area for single lots.
2. Lots located on opposite sides of public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
3. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
4. The Planning Board may reduce the side yard and rear yard setbacks for commercial, industrial and institutional uses. In no case shall the side yard and rear yard setbacks be reduced by greater than 75 percent, without written agreement between abutting property owners. With written agreement, recorded in the county registry of deeds, the Planning Board may reduce the side and rear yard setbacks to zero. The Planning Board shall consider the location of the lot, existing or proposed activities on adjacent lots and the impacts of the reduced setbacks. In the decision to reduce the side yard and rear yard setbacks, the Planning Board shall consider whether the abutting property owners have consented to such setback reductions. The Board shall make a written finding of fact that the reduction in setback will not affect the public health, safety and welfare or nullify the intent and purpose of this Ordinance.
5. **Cul-de-sac Frontage:** New building lots located at the cul-de-sacs or along curves in a street where the radius of the curve at the front lot line is less than 90 feet, may be designed so that they have a minimum of 35 feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district.
6. **Multiple Structures:** If more than one principal structure is constructed on a single parcel of land, the "minimum lot area" requirement shall apply to each structure, and each structure shall meet the front, side and rear setback and road frontage requirements.

Each structure shall be so situated and constructed to be capable of being sold or transferred separately with a conforming lot except as may be allowed in Section 4. In the Commercial I, Commercial, II, ~~and Village and Agricultural/Industrial~~ Districts each principal structure does not need be so situated and constructed to be capable of being sold or transferred separately with a conforming lot. Provided that the required lot size, and frontages for each principal structure, required setbacks, maximum building coverage, maximum impervious surface ratio and minimum pervious ratio as set forth in Section 3.I Bulk and Space Standards are met.

7. **Parking Areas:** Parking areas shall not be located within any required front setback area but may be located within five (5) feet of the side and rear lot lines or within zero feet with abutting property owner agreements with approvals from the Planning Board as noted in I.4. above.
8. **Setback Measurements:** All setbacks shall be measured from the property line to the nearest part of the structure except as may be provided for in other provisions of this Ordinance.
9. **Garages, Accessory Structures:** No garage or other accessory building shall be located in the required setbacks except as permitted below. When located to the rear or side of the principal building, accessory buildings no larger than 150 sq.ft. in floor area may be located within the required side or rear setbacks provided that no such structure shall be located less than 6 feet from a side or rear lot line.
10. **Corner Lots:** The front setback and lot frontage requirement shall be observed along all roads abutting the lot. For the purpose of this paragraph, property lines intersecting the road(s) shall be considered sidelines.
11. **Corner Lot Obstructions:** All corner lots shall be kept free from visual obstruction for a distance of a radius of 25 feet measured from the street lines.
12. **Height Limits** of 45 feet may be exceeded for structures not intended for human habitation upon review and approval of the Turner Fire Chief and Planning Board as required in Section 5. In no case shall egress window sill height exceed 30 feet from the ground.
13. Each lot must be able to completely contain within its boundaries an area as would be defined by a circle with a minimum diameter equal to the required minimum road frontage as required in the District.
14. Lots for duplexes shall require a minimum of 150 percent of the lot size and road frontage requirements for a single-family home in the district except in the Shoreland Area where lot size and shore frontage shall be equal to or greater than that for two single-family dwellings.
15. **Zone Line Setback:** All development proposed on lots within the ~~Agricultural/Industrial District,~~ Commercial I District or Commercial II District which abut a zone line for the Village District, General Residential I District, General Residential II District, Rural District, Shoreland District or Resource Protection District shall maintain a 50 foot yard from the zone boundary line. This yard requirement may be reduced to zero feet with abutting property owner agreements and approvals from the Planning Board as noted in I.4. above

All development proposed on lots within the Village District, General Residential I District, General Residential II District, Shoreland District and Resource Protection District which abut a zone line for the ~~Agricultural/Industrial District,~~ Commercial I District, or Commercial II District shall also maintain a 50 foot yard from the zone boundary line. This yard requirement may be reduced to zero feet with abutting property owner agreements and approvals from the Planning Board as noted in I.4. above

**SPACE AND BULK STANDARDS**

| District                     | Minimum Lot Size/<br>Density   | Minimum Road<br>Frontage | Minimum Shore<br>Frontage | Minimum Front<br>Setback/<br>Yard <sup>5</sup> | Shoreland Area<br>Minimum<br>Setback/Normal<br>High Water<br>Line/Upland<br>Edge/Wetland | Minimum<br>Side<br>Setback/<br>Yard | Minimum<br>Rear<br>Setback/<br>Yard | Maximum<br>Building<br>Coverage<br>Ratio | Maximum<br>Impervious<br>Surface<br>Ratio | Minimum<br>Pervious<br>Ratio | Maximum<br>Structure<br>Height |
|------------------------------|--------------------------------|--------------------------|---------------------------|--|--|-------------------------------------|-------------------------------------|--|---|------------------------------|--------------------------------|
| Agricultural/<br>Industrial  | 80,000 sq.<br>ft.              | 250 ft.                  | 250 ft.                   | 50 ft. <sup>2</sup> /<br>15 ft.                | 100 ft./pond<br>75 ft./other <sup>4</sup>  | 15 ft./5 ft.                        | 10 ft./5 ft.                        | 0.60                                     | 0.75                                      | 0.25                         | 100 ft. <sup>6</sup>           |
| Commercial<br>I              | 40,000 sq.<br>ft.              | 200 ft.                  | 200 ft.                   | 50 ft. <sup>2</sup> /<br>15 ft.                | 100 ft./pond<br>75 ft./other <sup>4</sup>  | 15 ft./5 ft.                        | 10 ft./5 ft.                        | 0.50                                     | 0.75                                      | 0.25                         | 45 ft. <sup>6</sup>            |
| Commercial<br>II             | 80,000 sq.<br>ft.              | 250 ft.                  | 250 ft.                   | 50 ft. <sup>2</sup> /<br>15 ft.                | 100 ft./pond<br>75 ft./other <sup>4</sup>  | 50 ft./15<br>ft.                    | 25 ft./5 ft.                        | 0.40                                     | 0.60                                      | 0.40                         | 45 ft. <sup>6</sup>            |
| Village <sup>8</sup>         | 20,000 sq.<br>ft. <sup>1</sup> | 100 ft.                  | 100 ft.                   | 20 ft. <sup>2</sup> /<br>10 ft.                | 25 ft.   | 10 ft./5 ft.                        | 10 ft./ 5<br>ft.                    | 0.50                                     | 0.80                                      | 0.20                         | 45 ft. <sup>6</sup>            |
| General<br>Residential I     | 40,000 sq.<br>ft.              | 200 ft.                  | 200 ft.                   | 70 ft. <sup>3</sup>                            | 100 ft./pond<br>75 ft./other <sup>4</sup>  | 25 ft.                              | 25 ft.                              | 0.20                                     | 0.40                                      | 0.50                         | 35 ft. <sup>6</sup>            |
| General<br>Residential<br>II | 80,000 sq.<br>ft.              | 250 ft.                  | 250 ft.                   | 70 ft. <sup>3</sup>                            | 100 ft./pond<br>75 ft./other <sup>4</sup>  | 25 ft.                              | 25 ft.                              | 0.20                                     | 0.50                                      | 0.50                         | 35 ft. <sup>6</sup>            |
| Rural I                      | 80,000 sq.<br>ft.              | 250 ft.                  | 250 ft.                   | 70 ft. <sup>3</sup> /<br>25 ft. <sup>2</sup>   | 100 ft./pond<br>75 ft./other <sup>4</sup>  | 25 ft./<br>10 ft. <sup>9</sup>      | 25 ft./<br>10 ft. <sup>9</sup>      | 0.30                                     | 0.50                                      | 0.50                         | 45 ft. <sup>6</sup>            |
| Rural II                     | 5 acres                        | 300 ft.                  | 300 ft.                   | 70 ft. <sup>3</sup> /<br>25 ft.                | 100 ft./pond<br>75 ft./other <sup>4</sup>  | 25 ft./ 10<br>ft.                   | 25 ft./<br>10 ft.                   | 0.20                                     | 0.20                                      | 0.80                         | 45 ft. <sup>6</sup>            |
| Shoreland                    | 80,000 sq.<br>ft.              | 250 ft.                  | 250 ft.                   | 70 ft. <sup>3</sup> /<br>35 ft. <sup>9</sup>   | 100 ft./pond<br>75 ft./other <sup>4</sup>  | 25 ft.                              | 25 ft.                              | 0.20 <sup>7</sup>                        | 0.20                                      | N.A.                         | 35 ft. <sup>6</sup>            |
| Resource<br>Protection       | 80,000 sq.<br>ft.              | 250 ft.                  | 250 ft.                   | 70 ft. <sup>3</sup>                            | 100 ft./pond<br>75 ft./other <sup>4</sup>  | 25 ft.                              | 25 ft.                              | 0.20 <sup>7</sup>                        | 0.20                                      | N.A.                         | 45 ft. <sup>6</sup>            |

opportunities, and can be expanded or is adjacent to existing conservation areas.

## **D.i. Planned Unit Development Standards**

### **1. Purposes**

This Section provides for developments that contain a mixture of land uses including, but not limited to, residential, commercial, recreational, public and open space that are preplanned and developed under a unified approach. It allows innovative approaches to mixed use developments and authorizes the Board to reduce certain requirements of this Ordinance provided that the following are guidelines are achieved:

- a. Will be in accordance with the Comprehensive Plan;
- b. Will be reasonably self-sufficient in the provision of necessary services, such as sewerage, water supply, off-street parking, recreational amenities, and long-term management of common facilities;
- c. Will integrate a variety of residential, commercial, and/or recreational uses;
- d. Will provide for efficient use of the land, minimizing the required networks of streets and utilities; and
- e. Will avoid the disadvantages of strip development by limiting vehicular access points to the Development.

### **2. Permitted Districts**

Plan Unit Developments are permitted in the Commercial I, Commercial II, and Village ~~and Agricultural/Industrial~~ Districts.

### **3. Procedure**

- a. Proposed planned unit developments shall be reviewed under the Town of Turner Subdivision Ordinance and Section 5, Site Plan Review when the applicant proposes to construct and/or develop non-residential uses. The tract or parcel of land proposed for planned unit development must be in single ownership or the subject of an application filed jointly by the owners of all the property included. The applicant must demonstrate right, title, or interest in the land that is the subject of the application. The planned unit development review procedure shall consist of the following steps:
  - i. a preapplication conference;
  - ii. preliminary development plan;
  - iii. final development plan and subdivision and site plan review approval as applicable.
- b. The preapplication conference shall serve the purpose of informally acquainting the Board with the overall scope and intentions of the proposed planned unit



- 2) Upon death of the owner, the property may be transferred to the following:
  - i) spouse;
  - ii) child or children;
  - iii) members of the household who have resided on the premises for at least one year;
  - iv) future sale prices of lots which the affordable housing incentive created shall be based upon an inflation factor based upon the Consumer Price Index or if no longer published an equivalent index and an improvement factor;
  - v) future sale prices of lots and dwellings which the affordable housing incentive created shall be based upon an inflation factor based upon the Consumer Price Index or if no longer published an equivalent index, improvement factors and wear and tear factor.
  
- h. The term of such deed restrictions shall be 40 years.

## **K. Home Occupation**

1. Home occupations which meet the following conditions do not require a Code Enforcement Officer or Planning Board permit:
  - a. Do not employ any persons who do not make the residence their permanent home;
  - b. Do not display any exterior signs, exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory building;
  - c. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and
  - d. Are not likely to generate regular daily or seasonal traffic.
  
2. Home occupations that do not meet the provisions of Section 1.a-d above and are located in the ~~Agricultural/Industrial~~, Commercial 1, Commercial II, Rural I, Rural II, General Residential I and General Residential II Districts shall obtain a permit from the Code Enforcement Officer and comply with the following conditions:
  - a. Not more than two persons who do not make the residence their permanent home may be employed (including part-time workers);
  - b. The appearance of the structure or accessory structure may not be altered, except as provided under subsection c. below or the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds;

representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

- 2) Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.
- 3) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be constructed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

## 7. Specific Standards

- a. ~~Commercial I, and Commercial II and Agricultural/Industrial Districts:~~ The following standards apply to the Commercial I, and Commercial II, ~~and Agricultural/Industrial Districts.~~
  - 1) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises, under the terms of this section.
  - 2) On each premise, there shall be allowed one wall or roof sign affixed to the exterior of the structure or for each occupancy under common ownership operation or control therein. Such signs shall not occupy more than thirty (30) percent of the wall to which is attached or is above. For the purpose of this section, wall is defined as the facade of the building up to the roof line excluding windows, doors and architectural features.
  - 3) Window and door signs are allowed without regard to the percentage of the window or door in which they are displayed.
  - 4) Projecting Signs: One projecting sign is permitted per structure. Such sign shall extend no lower than ten (10) feet above ground level, project from the wall at an angle of ninety (90) degrees and be no nearer than fifteen (15) feet from any property line. No projecting sign shall exceed thirty-two (32) square feet.
  - 5) Free Standing Signs:

- c. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, the flood as defined by soil types identified as recent flood plain soils or by local information and knowledge. A development with 100 year flood plains must comply with the Flood Plain Management Ordinance.
- d. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland and Resource Protection Districts shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland area, including land area previously developed, except in the Village, Commercial I and Commercial II and ~~Agricultural/Industrial~~ Districts where maximum Impervious Surface Ratios shall not exceed those contained in the Space and Bulk Standards as set forth in Section 3.
- e. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
- f. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
  - 1. The site has been previously altered and an effective vegetated buffer does not exist;
  - 2. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
  - 3. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
  - 4. The total height of the wall(s), in the aggregate, are no more than 24 inches;
  - 5. Retaining walls are located outside of the 100-year floodplain on rivers, streams, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
  - 6. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and