

LAND USE ORDINANCE

TOWN OF BRADLEY



Adopted

11/09/10

Amended	5/24/11
	5/24/12
	6/10/14
	5/03/16
	8/08/16

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SECTION I: GENERAL PROVISION

A. TITLE

This Ordinance shall be known as and may be cited as the “**Land Use Ordinance of the Town of Bradley, Maine**”, and will be referred to herein as the “Ordinance”.

B. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution and Title 30-A, Section 4352 and Title 38, Section 435 et.seq., of the Maine Revised Statutes Annotated.

C. PURPOSES

The purposes of the Ordinance are as follows:

1. COMPREHENSIVE PLAN IMPLEMENTATION: To implement the policies and recommendations of the Bradley Comprehensive Plan;
2. PROTECTION OF THE GENERAL WELFARE: To assure the comfort, convenience, safety , health and welfare of the present and future inhabitants of the Town of Bradley;
3. PRESERVATION OF THE TOWN CHARACTER: To preserve and protect the character of Bradley by dividing the Town into districts according to the use of land and buildings and the intensity of such uses;
4. PROTECTION OF THE ENVIRONMENT: To protect and enhance the natural, cultural, and historic resources of the Town from unacceptable adverse impacts and to integrate new development harmoniously into the Town’s natural environment;
5. PROMOTION OF COMMUNITY DEVELOPMENT: To promote the development of an economically sound and stable community;
6. REDUCTION OF TRAFFIC CONGESTION: To lessen the danger and congestion of traffic on roads and highways, limit excessive numbers of intersections, driveways, and other friction points, minimize hazards, and insure the continued usefulness of all elements of the existing transportation systems for their planned function;
7. BALANCING OF PROPERTY RIGHTS: To protect property rights and values by balancing the rights of landowners to use their land with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance from abutting or neighboring uses;

SECTION I: GENERAL PROVISION (Cont.)

C. PURPOSES (Cont.)

8. REDUCTION OF FISCAL IMPACT: To provide a means of evaluating development proposals to determine their fiscal impacts on the municipality's ability to provide and improve necessary public facilities and services; and
9. ESTABLISHMENT OF PROCEDURES/STANDARDS: To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which interested persons may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this Ordinance.

D. APPLICABILITY

This Ordinance shall apply to all land areas within the Town of Bradley. This Ordinance does not apply to the shoreland zones of the Town of Bradley. All buildings or structures thereafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land, including the division of land, shall be in conformity with the provisions of this Ordinance. No existing or future building, structure, or land area shall be used for any purpose or in any manner except as provided in this Ordinance.

E. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, that which imposes the more restrictive or higher standards shall govern.

F. SEVERABILITY

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AMENDMENTS

1. INITIATION

An amendment to this Ordinance may be initiated by one of the following:

- a. The Planning Board, provided a majority of the board has so voted.
- b. Request of the Town Council to the Planning Board.

SECTION I: GENERAL PROVISION (Cont.)

G. AMENDMENTS (Cont.)

- c. Written petition of 10% of the number of registered voters who voted in the most recent gubernatorial election.

2. HEARINGS

All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board may hold a public hearing on any proposed amendment. Within 30 days of receiving a proposed amendment, the Planning Board shall make a written recommendation to the Town Council.

3. MAJORITY VOTE

After receiving the recommendations of the Planning Board, by a majority of the Planning Board members, the amendment may be adopted or rejected by majority vote of the Town Council.

H. ANNUAL ADMINISTRATIVE REVIEW

The Code Enforcement Officer, Planning Board, and Board of Appeals each shall report annually to the Town Manager and the Town Council on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Manager and Town Council shall include any recommended amendments they may have that would:

1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance;
2. Enhance the implementation of the purposes of this Ordinance contained in subsection C, paragraphs 1 through 9, above.

I. EFFECTIVE DATE

The effective date of this Ordinance, when adopted, and any amendments thereto, shall be effective in 30 days following its/their adoption or approval at a Town Council Meeting. A copy of this Ordinance, certified by the Town Clerk shall be filed with the Town Clerk, the Penobscot County Registry of Deeds, and the Maine Municipal Association.

J. REPEAL OF PRIOR ORDINANCE

The Bradley Land Use Ordinance of September 25, 2001 and the Building Permit Ordinance of April 1, 1991, with all amendments thereto will be repealed with the adoption of this Ordinance. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future

SECTION I: GENERAL PROVISION (Cont.)

J. REPEAL OF PRIOR ORDINANCE (Cont.)

prosecution of or action to abate any violation of the Ordinance repealed by this Section if the violation is also a violation of the provisions of this Ordinance. It is further the intention and direction of this Section that if this Ordinance is held to be invalid or void in its entirety, then the Ordinance repealed by this Section shall be automatically revived.

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SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

A. BURDEN OF PROOF

The burden of establishing that any non-conforming structure, use or lot is a lawfully existing non-conforming structure, use or lot as defined in this Ordinance, shall, in all instances, be upon the owner of such non-conforming structure, use, or lot and not upon the Town of Bradley.

B. CONVERSION TO CONFORMANCE ENCOURAGED

Owners of all existing non-conforming structures and uses shall be encouraged to convert such existing non-conforming structures and uses to conformance whenever possible and shall be required to convert to conforming status as required by this Ordinance.

C. CONTINUANCE

The use of any building, structure, or parcel of land, which is made non-conforming by reason of the enactment of this Ordinance, or which shall be made non-conforming by reason of a subsequent amendment, may be continued, subject to the following provisions:

1. EXISTING NON-CONFORMING USES OF LAND

Continuance of non-conforming uses of land shall be subject to the following provisions:

- a. An existing non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than that occupied at the effective date of this Ordinance, or any amendment thereto;
- b. If any non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located; and
- c. A non-conforming use may be moved within the boundaries of the lot provided that the Planning Board finds that the change in location on the lot is appropriate in regards to:
 - 1) Location and character;
 - 2) Fencing and screening;
 - 3) Landscaping, topography, and natural features;
 - 4) Traffic and access;
 - 5) Signs and lighting; and
 - 6) Potential nuisance.

2. EXISTING NON-CONFORMING STRUCTURES

Continuance of non-conforming structures shall be subject to the following provisions:

- a. No such structure shall be enlarged or altered in any way that increases its non-conformity;

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS (Cont.)

C. CONTINUANCE (Cont.)

- b. Should any structure, exclusive of the foundation, be destroyed, or damaged by any means, exclusive of the planned demolition, said structure may be rebuilt on the existing foundation to the dimensions of the structure which was destroyed provided rebuilding is begun within one (1) year; and
- c. A non-conforming structure may be moved within a lot in a manner which would decrease its non-conformity in terms of setback requirements, provided that the Planning Board finds that the change in location is appropriate in regards to:
 - 1) Location and character;
 - 2) Fencing and screening;
 - 3) Landscaping, topography, and natural features;
 - 4) Traffic and access;
 - 5) Signs and lighting; and
 - 6) Potential nuisance.

3. EXISTING NON-CONFORMING USE OF STRUCTURES

Continuance of non-conforming structures shall be subject to the following provisions:

- a. No structure devoted to a non-conforming use shall be enlarged or extended;
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of the adoption or amendment of this Ordinance, but no such uses shall be extended to occupy any land outside such building;
- c. Any non-conforming use of a structure or premises may be changed to another non-conforming use provided that the Planning Board shall find that the proposed use is more consistent with the District's purpose than the existing non-conforming use. At no time shall a use be permitted which is less conforming nor revert back to the previous non-conforming use;
- d. If a non-conforming use of a structure or premises is superseded by a permitted use, the non-conforming use shall not thereafter be resumed;
- e. If any such non-conforming use of a structure ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such structure shall comply with standards specified by this Ordinance for the district in which such structure is located; and
- f. A structure housing an existing non-conforming use may be moved, within the lot, in a manner which would be a more appropriate location, provided that the Planning Board finds that the change in location is appropriate in regards to:
 - 1) Location and character;
 - 2) Fencing and screening;

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS (Cont.)

C. CONTINUANCE (Cont.)

- 3) Landscaping, topography, and natural features;
- 4) Traffic and access;
- 5) Signs and lighting; and
- 6) Potential nuisances.

4. CONSTRUCTION BEGUN PRIOR TO ORDINANCE

This Ordinance shall not require any change in the plans, construction, size or designated use for any building, structure, or part thereof for which a completed application for a local permit has been made, provided application has been subject to substantive review, or a permit that has been issued and upon which construction has been lawfully commenced prior to the adoption or amendment of the Ordinance. Such construction shall start within sixty (60) days after the issuance of the permit.

D. NON-CONFORMING LOTS OF RECORD

A single parcel of land, the legal description of which or the dimensions of which are recorded on a document or map recorded in the Registry of Deeds which at the effective date of adoption or subsequent amendment of this Ordinance, does not meet the lot area or width requirements or both, of the district in which it is located, may be built upon as an existing non-conforming lot of record even though such lot may be contiguous with another lot in the same ownership, provided that all other provisions of this Ordinance are met.

E. CONTINUANCE OF NON-CONFORMING SETBACK ALLOWED FOR EXPANSION

Application for expansion along non-conforming side, front and rear line setbacks may be approved as long as the proposed expansion does not increase the non-conformity of that existing dimensional setback measurement.

F. TRANSFER OF OWNERSHIP

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

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SECTION III: ESTABLISHMENT OF DISTRICTS

A. DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Town of Bradley is hereby divided into the following districts:

Growth Areas:

Village District

Residential District

Mixed District

Rural Areas:

Rural Resource District

B. STANDARDS ESTABLISHING DISTRICTS AND DISTRICT DESCRIPTIONS

1. Village District

- a. Purpose: This District is designed and intended to provide for a broad range of residential, commercial, home occupation, public and institutional development.
- b. Areas Include: The location of the Village District is illustrated on the “Official Land Use Map of the Town of Bradley”.

2. Residential District

- a. Purpose: This District is designed and intended to provide for a range of residential and home occupation development.
- b. Areas Include: The location of the Residential District is illustrated on the “Official Land Use Map of the Town of Bradley”.

3. Mixed District

- a. Purpose: This District is designed and intended to provide for a mix of residential and commercial use development.
- b. Areas Include: The location of the Mixed District is illustrated on the “Official Land Use Map of the Town of Bradley”.

4. Rural Resource District

- a. Purpose: This District is designed and intended to provide for resource based, open space and recreational uses. In addition, low density residential development and home occupations will be permitted.
- b. Areas Include: The location of the Rural Resource District is illustrated on the “Official Land Use Map of the Town of Bradley”.

SECTION III: ESTABLISHMENT OF DISTRICTS (Cont.)

C. OFFICIAL DISTRICT BOUNDARY MAP

Districts established by this Ordinance are bounded and defined as shown on the official "Zoning Map of the Bradley, Maine". The following rules of interpretation shall apply:

The official copy of the map shall be that map which bears the certification that it is true and correct, signed by the Chairman of the Planning Board and attested by the Town Clerk and on file in the office of the Town Clerk.

D. INTERPRETATION OF DISTRICT BOUNDARIES

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

1. Boundaries indicated as approximately following the center lines of streets, highways, public utilities or right of ways shall be construed as following such center lines;
2. Boundaries indicated as being approximately following shorelines of any lake or pond shall be construed as following the normal high water mark;
3. Boundaries indicated as being the extension of centerlines of streets shall be construed to be the extension of such centerlines;
4. Boundaries indicated as approximately following the centerlines of streams, rivers or other continuous flowing watercourses shall be construed as following the channel center line of such watercourses;
5. Boundaries indicated as being parallel to or extension of features listed above shall be so construed. Distances not specifically indicated on the official map shall be determined by the scale of the map;
6. Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Planning Board shall interpret the district boundaries.

E. AMENDMENTS TO DISTRICT BOUNDARIES

The Town Council, of its own initiative, and the Planning Board or any property owner may petition for a change in the boundary of any District. No change in District boundary shall be approved without a duly authorized majority vote at a Town Council Meeting.

Such an action shall not be presented for consideration without written finding of fact from the Planning Board upon substantial evidence that:

SECTION III: ESTABLISHMENT OF DISTRICTS (Cont.)

E. AMENDMENTS TO DISTRICT BOUNDARIES (Cont.)

1. The change would be consistent with: the standards of District boundaries in effect at the time; the Comprehensive Plan; and the purpose, intent, and provisions of this Ordinance; and
2. The change in District boundaries will satisfy a demonstrated need in the community and will have no undue adverse impact on existing uses or resources; or that a new District designation is more appropriate for the protection and management of existing uses and resources within the affected area. The Planning Board will not act upon petition for a change in District boundaries unless notice is first given to all owners of land abutting or located within 1000 feet of the parcel for which a change in boundaries is sought. The Planning Board may require, as a part of any petition for a change in District boundaries, that the petitioner submit the names and addresses of all such surrounding landowners as well as notify all registered voters.

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SECTION IV: SCHEDULE OF USES

Town of Bradley
Land Use Ordinance

A. ACTIVITIES DESCRIBED

A matrix listing the uses permitted in the various Districts, under this Ordinance begins on page 14.

The various land uses contained in the matrix are organized according to the following seven (7) activity classifications:

1. Resource Management Activities
2. Resource Extraction Activities
3. Residential Activities
4. Institutional Activities
5. Commercial Activities
6. Industrial Activities
 - a. Transportation Activities

B. SYMBOLS USED IN SCHEDULE OF USES

The following symbols contained in the Schedule of Uses have the following meanings:

1. DISTRICT SYMBOLS

<u>SYMBOL</u>	<u>DESCRIPTION</u>
VD	Village District
RD	Residential District
MD	Mixed District
RRD	Rural Resource District

2. PERMIT SYMBOLS

<u>SYMBOL</u>	<u>DESCRIPTION</u>
Y	Uses Allowed Without a Permit
N	Uses Prohibited Within District
C	Use Requires a Code Enforcement Permit
P	Use Requires a Planning Board Permit

SECTION IV: SCHEDULE OF USES (Cont.)

C. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES MAY BE PERMITTED

1. USES ALLOWED WITHOUT A PERMIT: Uses substantially similar to those allowed without a permit, but that are not listed in the Schedule of Uses, may be permitted upon a ruling by the Code Enforcement Officer that such use is substantially similar to uses listed in the schedule.
2. USES REQUIRING A CODE ENFORCEMENT OFFICER PERMIT: Uses substantially similar to those requiring a Code Enforcement Officer Permit, but which are not listed in the Schedule of Uses, may be permitted by the Code Enforcement Officer.
3. USES REQUIRING A PLANNING BOARD PERMIT: Uses substantially similar to those requiring a Planning Board Permit, but which are not listed in the Schedule of Uses, may be permitted by the Planning Board.

D. USES SUBSTANTIALLY SIMILAR TO PROHIBITED USES ARE PROHIBITED

Uses substantially similar to any uses listed as a Prohibited Use in the Schedule of Uses shall be prohibited.

E. COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED

All uses permitted must occur and be maintained in compliance with the applicable requirements and performance standards contained in Section V.

SECTION IV: SCHEDULE OF USES (Cont.)

Town of Bradley
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F. SCHEDULE OF USES

<u>ACTIVITIES</u>	<u>DISTRICTS</u>			
1. RESOURCE MANAGEMENT	VD	RD	MD	RRD
a) Wildlife/fishery management practices;	Y	Y	Y	Y
b) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;	Y	Y	Y	Y
c) Surveying and other resource analysis;	Y	Y	Y	Y
d) Forest management activities <u>not including</u> timber harvesting, pesticide and fertilizer application;	Y	Y	Y	Y
e) Agricultural management activities, <u>not including</u> pesticide and fertilizer application;	Y	Y	Y	Y
f) Animal Husbandry/Keeping of Livestock (Farm Animals);	C	C	C	C
g) Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring, diggings, and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition;	Y	Y	Y	Y
h) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by the district in which it is located;	Y	Y	Y	Y
i) Accessory uses and structures that are essential for the exercise of uses listed above.	C	C	C	C

SECTION IV: SCHEDULE OF USES (Cont.)

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<u>ACTIVITIES</u>	<u>DISTRICTS</u>			
2. RESOURCE EXTRACTION	VD	RD	MD	RRD
a) Commercial timber harvesting;	C	P	C	Y
b) Production of commercial agricultural products;	P	P	P	Y
c) Mineral extraction for road purposes only, affecting an area of less than 2 acres in size;	C	C	C	C
d) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size;	P	P	P	P
e) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells;	P	P	P	C
f) Accessory use and structures that are essential for the exercise of uses listed above.	C	C	C	C

SECTION IV: SCHEDULE OF USES (Cont.)

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<u>ACTIVITIES</u>	<u>DISTRICTS</u>			
3. RESIDENTIAL	VD	RD	MD	RRD
a) Single-Family Detached Dwelling;	C	C	C	C
b) Single-Family Mobile Home, in Park;	C	C	C	N
c) Single-Family Mobile Home;	C	C	C	C
d) Multi-Family Dwelling: Two Unit or Duplex;	C	C	C	N
e) Multi-Family Dwelling: 3 or more families, including apartments;	P	P	P	N
f) Mobile Home Park;	P	P	P	N
g) Nursing Home/Boarding Care;	P	P	P	N
h) Home Occupation;	C	C	C	C
i) In-Law Apartment;	C	C	C	C
j) Accessory uses or structures that are essential for the exercises of uses listed above.	C	C	C	C

SECTION IV: SCHEDULE OF USES (Cont.)

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<u>ACTIVITIES</u>	<u>DISTRICTS</u>			
4. INSTITUTIONAL	VD	RD	MD	RRD
a) Hospital and Medical Clinic;	P	N	P	N
b) Government Facilities and Services;	P	P	P	P
c) Public Schools;	P	P	P	N
d) Private Schools;	P	P	P	N
e) Day Care Centers;	P	P	P	N
f) Churches;	P	P	P	N
g) Cemeteries;	P	P	P	P
h) Fraternal Orders and Service Clubs;	P	N	P	N
i) Post-Secondary Education Facilities;	P	P	P	N
j) Municipal Fire Stations;	P	P	P	P
k) Fish & Game/Recreation based facilities;	N	N	P	P
l) Accessory uses and structures that are essential for the exercise of uses listed above.	P	P	P	P

SECTION IV: SCHEDULE OF USES (Cont.)

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<u>ACTIVITIES</u>	<u>DISTRICTS</u>			
5. COMMERCIAL	VD	RD	MD	RRD
a) Adult Entertainment;	N	N	N	P
b) Automobile Body Repair;	N	N	P	N
c) Automobile Recycling Facility;	N	N	P	P
d) Automobile Repair/Service;	N	N	P	N (P, when associated with e) Automobile Sales)
e) Automobile Sales;	N	N	P	P
f) Automobile Supplies;	P	N	P	N
g) Banks/Credit Unions;	P	N	P	N
h) Bar/Pub;	N	N	P	N
i) Beauty Shops;	P	N	P	N
j) Bed and Breakfast;	P	P	P	P
k) Boarding Kennels;	N	P	P	P
l) Campgrounds;	N	N	N	P
m) Clothing Store;	P	N	P	N
n) Florist Shop/Craft Shop;	P	N	P	N
o) Fuel Oil Sales;	P	N	P	N
p) Funeral Home;	P	N	P	N
q) Greenhouse;	P	N	P	N
r) Grocery Store;	P	N	P	N

SECTION IV: SCHEDULE OF USES (Cont.)

Town of Bradley
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<u>ACTIVITIES</u>	<u>DISTRICTS</u>			
5. COMMERCIAL	VD	RD	MD	RRD
s) Hardware Store;	P	N	P	P
t) Motel, Hotel and Inns, Maximum 10 rooms;	P	N	P	N
u) Motel, Hotel and Inns, More than 10 rooms;	P	N	P	N
v) Professional Offices;	P	N	P	N
w) Professional Office Complex;	P	N	P	N
x) Pharmacy;	P	N	P	N
y) Radio Station;	P	N	P	N
z) Restaurant;	P	N	P	N
aa) Recreation Vehicles Sales and Service;	N	N	P	P
bb) Redemption Center;	P	N	P	P
cc) Retail Establishments of more than 5,000 square feet;	P	N	P	N
dd) Retail Establishments of less than or equal to 5,000 square feet (if not listed above)	P	N	P	N
ee) Sporting Cabins;	N	N	P	P
ff) Sporting Goods Store;	P	N	N	P
gg) Take Out Restaurant (No interior seating);	P	N	P	N
hh) Towers 195 feet in height and under;	N	N	P	P
ii) Towers taller than 195 feet;	N	N	N	P
jj) Veterinary Clinic/Hospital;	P	N	N	P
kk) Video Rentals;	P	N	P	P
ll) Warehouse/Storage Facility/Self Storage;	N	N	P	P
mm) Accessory uses and structures that are essential for the exercise of uses listed above.	C	C	C	P

SECTION IV: SCHEDULE OF USES (Cont.)

Town of Bradley
Land Use Ordinance

<u>ACTIVITIES</u>	<u>DISTRICTS</u>			
6. INDUSTRIAL	VD	RD	MD	RRD
a) Automobile Junk/Salvage yard;	N	N	P	P
b) Bulk Oil and Fuel Tank Storage in excess of 50 gallons except for on-site heating and cooking purposes;	N	N	N	P
c) Concrete Plant;	N	N	N	P
d) Disposal of Hazardous/Leachable Materials;	N	N	N	N
e) Disposal of Solid Waste other than agriculture;	N	N	N	N
f) Light Manufacturing Assembly Plant;	N	N	P	P
g) Lumber Yard/Sawmill;	N	N	P	P
h) Pulp Mill;	N	N	P	P
i) Sewage Treatment Facility;	N	N	P	P
j) Transportation Facility and Terminal Yard;	N	N	N	P
k) Wholesale Business Facility;	N	N	P	N
l) Sewage Disposal;	N	N	N	P
m) Septage Disposal;	N	N	N	P
n) Accessory uses and structures that are essential for the exercise of uses listed above.	C	N	C	C

SECTION IV: SCHEDULE OF USES (Cont.)

Town of Bradley
Land Use Ordinance

<u>ACTIVITIES</u>	<u>DISTRICTS</u>			
7. TRANSPORTATION AND UTILITIES	VD	RD	MD	RRD
a) Airport terminal building and airport uses;	N	N	N	P
b) Land management roads and water crossings of minor flowing waters;	P	P	P	P
c) Land management roads and water crossings of standing waters and of major flowing waters;	P	P	P	P
d) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops;	P	P	P	P
e) Road construction projects, other than land management roads;	P	P	P	P
f) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review;	P	P	P	P
g) Accessory uses and structures that are essential for the exercise of uses listed above.	P	P	P	P

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SECTION V: LAND USE STANDARDS

SECTION USERS GUIDE: This section contains general performance standards with which all development proposals submitted for approval pursuant to this Ordinance must comply.

The purpose of the regulations contained in this section is to allow maximum utilization of land while insuring against adverse impacts on the environment, neighboring properties, and the public interest. This assurance is provided by separating the areas of the Town of Bradley into districts and permitting specific land uses within each, provided that a use meets all the additional criteria specified in this Ordinance.

This regulatory approach has been termed “performance zoning” because it permits a use to be developed on a particular parcel only if the use on that parcel meets “performance” standards which have been enacted to insure against the use causing (or having the potential to cause) adverse impacts.

The following Land Use Standards shall govern all Land Use Permits issued by the Code Enforcement Officer and the Planning Board.

In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall consider the following performance standards and make written findings that each applicable standard has been met prior to issuing final approval. In all instances, the burden of proof shall be upon the applicant.

A. GENERAL STANDARDS

1. ACCESSORY USES

An accessory use shall not include any use injurious or offensive to the neighborhood as initially determined by the Code Enforcement Officer and/or Planning Board.

2. ACCESS REQUIREMENTS

Access to public roads shall be strictly controlled in both location and design. Provision shall be made for adequate access to the development to safeguard against hazards to traffic and pedestrians in the road and within the development, to avoid traffic congestion on any road and to provide safe and convenient circulation on public roads.

Guidelines: Development shall employ the following guidelines to the extent possible in designing access points:

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- a. Where a residential lot will front on two or more streets, access shall be to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
- b. All access points should be located so as to provide adequate sight distance for vehicular movement. Adequate sight distance means an unobstructed view of the road in each direction for at least 100 feet for every 10 MPH of speed limit. (E.g., for access to a 25 MPH road, an access point shall have a clear view of 250 feet in each direction).
- c. Every effort shall be made to reduce the number of access points onto the public road. Measures to be taken may include shared driveways and frontage roads.
- d. All entry and exit points shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of twenty-five (25) feet from the edge of the traveled way in order to provide visibility for entering and leaving vehicles.
- e. Driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, Section 754, must conform to Title 23, Section 704 and any rules adopted under that section.

3. ADULT BUSINESS / ENTERTAINMENT

- a. No adult business/entertainment shall be in any location that is closer than 1000 feet, measured in a straight line without regard to intervening structures or objects, to the nearest point on the boundary of any property which is owned or used by/for: any religious institutions, K-12 educational institutions, parks and playgrounds, libraries, colleges and universities, day-care centers, government buildings, residence, gateway to the community, pool or billiard halls or other adult entertainment business.
- b. No materials or devices displaying or exhibiting sexually explicit activities shall be visible from the exterior of the building in which the adult business is located.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

4. AGRICULTURAL MANAGEMENT ACTIVITIES

Agricultural practices shall be conducted in such a manner as to prevent soil erosion, sedimentation, and contamination or nutrient enrichment of surface waters.

NOTE: Phosphorous allocation is addressed through implementation of the Town of Bradley Subdivision Regulations.

5. AIR POLLUTION

Air pollution control and abatement shall comply with applicable minimum Federal and State requirements.

6. ANIMAL HUSBANDRY

The keeping, breeding and raising of farm animals shall be carried on in accordance with the guidelines specific to each District, indicated as follows:

Animal Husbandry – Minimum Pasturage Required per Animal & Max. Number of Animals Allowed.

District	<u>Village</u>	<u>Mixed</u>	<u>Residential</u>	<u>Rural Resource</u>
Small Farm Animals	-----No Minimum Acreage Required-----			
Max. Number Allowed	6	6	6	No Max. No.*
Horses, Sheep, Goats & similar	1 Acre/ea.	1 Ac.	2 Ac.	1 Ac.*
Cattle	2 Acres/ea.	2 Ac.	4 Ac.	2 Ac.*
Roosters	Not Allowed	Not Allowed	Not Allowed	No Min. Acres*
Pigs	Not Allowed	Not Allowed	Not Allowed	500' from P/Ls*

**Code Enforcement Officer may designate Planning Board Review*

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

7. BUFFERS

All commercial and industrial development adjacent to residential dwellings must provide landscaped buffer strips in the form of evergreen vegetation or fencing. The buffering shall be sufficient to minimize the impacts of expected uses such as exposed machinery, excessive noise, outdoor storage areas, vehicle loading and parking, mineral extraction and waste collection and disposal areas.

8. BUILDING/STRUCTURE/PREMISES-YARD MAINTENANCE STANDARDS

All buildings, structures and parts thereof permitted under this ordinance shall be required to be maintained as indicated below:

- a. Each property owner, of rental property, shall keep all exterior components of every principal and accessory structure in good repair, including but not limited to, walls, roofs, chimneys, cornices, gutters, down spouts, drains, porches, steps, hand rails & guards, landings, fire escapes, exterior stairs, windows, shutters, doors and storefronts.
- b. All premises and yard areas shall be maintained in a safe and sanitary condition, including but not limited to, steps, walks, driveways, fences, retaining walls, trees, shrubs, grass and weeds. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced or removed.
- c. The exterior of principal and accessory structures shall not be left in an unfinished state, but must have finished siding and roofing, suitable to the structure involved, applied within one (1) year of the permit issue date.

9. CONFORMANCE WITH COMPREHENSIVE PLAN

All proposed development shall be in conformity with the Comprehensive Plan and Policy Statements of the Town contained within the Plan and with the provisions of all pertinent local ordinances and regulations, State laws and Federal regulations.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

10. CONSTRUCTION IN FLOOD HAZARD AREAS

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, and locally adopted Town of Bradley Floodplain Management Ordinance, the plan shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation.

11. CONVERSIONS

a. Conversions of existing structures into multi-family units, in Districts permitting multi-family dwellings, may be permitted provided that:

- 1) Off-street parking for two (2) vehicles per dwelling unit plus maneuvering space will be provided;
- 2) Approval of conversion plans by the Code Enforcement Officer, Fire Chief, Local Plumbing Inspector, and electrical inspector(s) is required prior to issuance of a land use permit;
- 3) Each dwelling unit shall be at least three-hundred fifty (350) square feet in area for one (1) bedroom units plus one-hundred fifty (150) square feet for each additional bedroom;
- 4) Each dwelling unit shall have its own toilet and kitchen facilities and no dwelling unit will share these facilities with any other dwelling unit; and
- 5) Each unit shall be provided with adequate rubbish disposal facilities.

b. Conversions of Mobile Home Parks

- 1) No lot or lots in a mobile home park may be sold or conveyed without:
 - i. The prior approval of the Planning Board; and
- 2) The following conveyance is exempt from the conversion provisions of this section:
 - i. Sale or conveyance of the mobile home park in its entirety to one entity provided no change in use occurs.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

12. DUST, FUMES, VAPORS, GASES, ODORS, GLARE AND EXPLOSIVE MATERIALS

- a. Emissions of odors, dust, dirt fly ash, fumes, vapors or gases which could damage: human health, animals, vegetation, or property, must comply with State and Federal standards.

13. EROSION AND SEDIMENTATION CONTROLS

The following measures relating to conservation, erosion, and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages.

- a. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:
 - 1) Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;
 - 2) Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
 - 3) The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;
 - 4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - 5) The disturbed area and the duration of exposure shall be kept to a practical minimum;
 - 6) Disturbed soils shall be stabilized as quickly as practicable;
 - 7) Temporary vegetation or mulching shall be used to protect disturbed areas during development;
 - 8) Permanent (final) vegetation and mechanical erosion control measures in accordance with the provisions of the Department of Environmental Protection's Best Management Practices for Erosion and Sedimentation Control or the Maine Soil and Water Conservation

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

Commission shall be installed as soon as practicable after construction ends;

- 9) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods;
- 10) The top of the cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjacent property, unless otherwise specified by the Planning Board;
- 11) During grading operations, approved methods of dust control shall be employed wherever practicable;
- 12) Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible;
- 13) Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

14. GARAGE/YARD SALES

A land use permit for a garage/yard sale shall be issued for a single sale or for a one-year period. The permit shall cover no more than three (3) separate sales during the period. Duration of any one sale shall be three (3) days. No more than three (3) sales shall be held at the same location in any given year. Items shall be stored and not visible from the roadway or neighboring properties between sale dates.

15. HOME OCCUPATIONS

- a. The purpose of the Home Occupation provision is to permit the conduct of those businesses that are compatible with the Districts in which they are allowed. Home occupations are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structure;
- b. Any home occupation or profession which is accessory to and compatible with a residential use may be permitted if:

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- 1) It is carried out in a dwelling unit or in a structure customarily accessory to a dwelling unit;
 - 2) It is conducted only by a member or members of the family residing in the dwelling unit; and/or not more than one (1) employee;
 - 3) It does not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes.
- c. All home occupation shall conform with the following conditions:
- 1) The home occupation shall be carried on wholly within the dwelling or accessory structure;
 - 2) The home occupation shall be conducted only by a member or members of the family residing in the dwelling unit, and/or not more than one (1) employee;
 - 3) Exterior signs shall be no greater than 2 square feet per side. There shall be no more than one (1) sign per property. There shall be no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building;
 - 4) Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted;
 - 5) The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood;
 - 6) In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of the maximum number of users the home occupation may attract during peak operating hours;
 - 7) The home occupation may utilize:
 - i. Not more than twenty (20%) percent of the dwelling unit floor area, provided that for the purposes of this calculation, unfinished basement and attic spaces are not included;
 - ii. Basement spaces;

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- iii. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty (50%) percent of the total floor area of the dwelling unit.
- iv. Unfinished attic spaces to be used for storage only.
- 8) Home occupations which involve use or storage of hazardous or leachable materials in excess of normal residential use are not permitted.
- 9) No case shall the home occupation be open to the public at times earlier than 8:00 A.M. and no later than 9:00 P.M.

16. INDUSTRIAL PERFORMANCE STANDARDS

The following provisions shall apply to all permitted industrial uses:

- a. Danger
No material which is dangerous due to explosion, extreme fire hazard, chemical hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable State and Federal codes and regulations.
- b. Vibration
With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.
- c. Wastes
No offensive wastes shall be discharged or dumped into any river, stream, watercourse, storm drain, pond, lake, or swamp. Industrial wastewater may be discharged to municipal sewers only and in such quantities and quality as to be compatible with existing municipal facilities.
- d. Noise
Offensive noise shall not be transmitted beyond lot lines so as to cause disturbance to neighboring residential properties.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

17. JUNKYARDS/GRAVEYARD/AUTOMOBILE RECYCLING

The following performance standards are required of all automobile graveyards, junkyards and automobile recycling businesses, whether new or existing.

- a. The site must comply with MRSA 30-A §3755-A.(3)(A) which requires compliance with *id* §3754-A's screening standards which must be:
 - 1) At a height, density and depth sufficient to accomplish complete screening from ordinary view;
 - 2) Well constructed and properly maintained at a minimum of six (6) feet;
 - 3) Placed outside of the highway right-of-way; and
 - 4) Acceptable to the municipal officers or county commissioners; and 30-A MRSA §3754-A. (1).
- b. No vehicle or parts thereof shall be stored within 300 feet of any water-body or inland wetland;
- c. No vehicle shall be stored within 100 feet of a public or private well (excluding owner's well), school, church or public playground or public park;
- d. No vehicles shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist;
- e. No vehicle shall be stored within 100 feet of a floodplain;
- f. Upon receiving a motor vehicle or motorized equipment, the battery shall be removed, and all lubricants and fluids (air conditioners included) shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of such waste material. No discharge of fluids from any motor vehicle shall be permitted into or onto the ground;
- g. No vehicle shall be closer than 50 feet from a lot line;

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- h. All vehicles, once stripped of valuable parts shall be crushed and removed from the lot to a metal recycler. Any vehicle remaining over one (1) year shall be considered as junk metal to be recycled;
- i. No more than four (4) tires per vehicle shall be allowed to be stored in the yard. Scrap tires shall not be allowed to accumulate into a scrap tire pile. All tires shall be disposed of in an appropriate facility and manner in accordance with State and Federal regulations;
- j. No open burning of salvage materials or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in a duly licensed disposal facility;
- k. The Planning Board and/or Code Enforcement Officer may recommend the application of more stringent restrictions and/or limitations, and stipulate reasonable conditions which shall be attached to the permit covering the operation, use and size of the junkyard prior to the Planning Board's issuance of the permit including an annual inventory.

18. LANDSCAPING

Development proposed within any commercial districts shall be landscaped to the extent possible as to maintain the aesthetic appearance of the property and preserve as much natural vegetation as possible on the site.

19. LIGHTING DESIGN STANDARDS

All exterior lighting shall be designed to minimize adverse impact on neighboring properties and the night skies. Lighting shall be focused in a downward manner.

Backlit signs may be located no closer than fifteen (15) feet from the from property line.

20. LOT SIZE, SETBACK AND COVERAGE REQUIREMENTS

See B. Dimensional Requirement in this Section.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

21. MANUFACTURING HOUSING

a. Minimum Safety Standards: All manufactured housing as defined in this Ordinance, regardless of date of manufacture, and sited within the Town of Bradley after the effective date of this Ordinance, shall meet or exceed the following minimum standards before a "Certificate of Occupancy" shall be issued by the Code Enforcement Officer in conformance with Section VI. J. of this Ordinance.

1) HUD Approval Sufficient: All manufactured housing, as defined, constructed after July 1, 1976 and bearing the seal of the Department of Housing and Urban Development which certifies the manufactured home was built pursuant to the provisions of the Manufactured Homes Construction and Safety Standards as revised shall be deemed to have fulfilled the requirements of this section.

2) Minimum Electrical Safety Standards: All manufactured housing shall meet the following minimum safety requirements for electrical installation and maintenance as provided for by the National Electrical Code as said code pertains to the following:

- a) 100 Ampere Entrance required;
- b) Copper wiring required;
- c) Two means of grounding required;
- d) Ground faulting receptacles required;

In addition, all electrical installation or modifications to existing manufactured housing shall be inspected by and certified by an electrician licensed by the State of Maine or the Municipal Code Enforcement Officer if duly appointed as certified electrical inspector.

3) Minimum Fire Prevention Standards: All manufactured housing shall meet the following minimum fire safety requirements as provided for by the National Electrical Code and the Manufactured Housing Construction Standards of 1976 established by the Department of Housing and Urban Development (HUD)

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- a) All homes shall contain at least one (1) operable fire extinguisher which is readily accessible at all times;
 - b) All homes shall have at least one (1) operable AC smoke detector centrally located within the home (with battery back-up) and one (1) operable smoke detector in each of the bedrooms;
 - c) The installation and maintenance of all heating systems including vents, chimneys, and encompassing secondary and tertiary as well as primary heating sources, shall meet the standards of NFPA 211 and NFPA 31 as applicable. In addition, no wood stove shall be used for heating purposes in a manufactured home in the Town of Bradley without first being inspected and approved by the Bradley Fire Department for safe installation;
 - d) All automatic dryers, whether electric or gas, must meet the venting requirements of the Manufactured Home Construction Standards of 1976 as established by HUD; and
 - e) All manufactured homes must meet the requirements of the Manufactured Home Construction Standards of HUD, to wit, all manufactured homes shall provide for at least two (2) means of egress from each bedroom, one of which must be directly to the outside of the home and may be accomplished by way of a window of suitable size which can be opened easily without tools, and two doors exiting directly to the outside of the home separated by distances as established by the standards.
- 4) Minimum Plumbing Standards: All manufactured housing shall meet the minimum standards of the Maine Plumbing Code as amended.
- 5) Minimum Design Standards: All manufactured housing will be sited and maintained in such a manner as to blend harmoniously with other residential structures in close proximity, to this end all manufactured housing located with the Town of Bradley after the effective date of this Ordinance shall:
- a) Have and maintain external siding which is residential in appearance for the manufactured home as well as any additions thereto or accessory structures located on the same lot;
 - b) Be located on a permanent foundation in accordance with Appendix C. of the Manufactured Home Installation Standards or as amended;

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- c) Permanent skirting shall be installed within thirty (30) days of siting;
- d) Provide a safe means of egress from and ingress to the manufactured home including stairs with handrails when applicable.

22. MINERAL EXPLORATION AND EXTRACTION

The following requirements for mineral exploration and extraction activities, including the removal of topsoil, shall apply in all Districts. Mineral exploration and extraction shall be subject to the requirements of all other sections and provisions of this Ordinance and other applicable Ordinances and Laws, Local and State:

- a. All exploration/extraction activities, including test pits and holes, shall be promptly capped, refilled, or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety;
- b. No portion of any ground area disturbed by the extraction activity shall be closer than fifty (50) feet from a public roadway;
- c. Within 250 feet of any water body, the extraction areas shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into sub water body;
- d. A natural vegetation screen of not less than fifty (50) feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads;
- e. If any mineral extraction operation located within seventy-five (75) feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one (1) year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter;

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- f. Extraction operations (gravel pit, etc.) shall not be permitted within one hundred (100) feet of any property line without a written agreement of consent between property owners. In no event shall extraction be permitted closer than twenty-five (25) feet to any property line unless there is another mineral extraction operation on the other side of the property line in question. In this case, excavation may extend to the property line and the wall may be breached to the satisfaction of both parties. The distance from a cemetery may not be reduced to less than twenty-five (25) feet to the top of the slope, and only with the permission of the cemetery officials;
- g. In no case shall a mineral extraction operation be conducted at times earlier than 7:00 A.M. or later than 9:00 P.M.;
- h. At no time shall any mineral extraction operation location be used for the storage or dumping of any substance, including but not limited to hazardous materials or petroleum products that could produce a harmful leachate, both during the extraction operation and following its termination. Vehicles and other equipment shall not be drained or filled in any gravel pit; and
- i. Gravel extraction shall be prohibited below the average seasonal high water table. No ditches, trenches, pumping or other methods shall be used to lower the water table or permit more gravel extraction than could occur under normal conditions.

23. OFF-STREET PARKING

- a. Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any District;
- b. Required off-street parking spaces shall be provided;

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- c. The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use or as deemed appropriate by the Planning Board.
- 1) Dwellings – Two (2) parking spaces for each dwelling unit;
 - 2) Transient Accommodations:
 - a) Bed and Breakfast accommodations and motels, hotels, boarding houses, and inns with 10 rooms or less -- Two (2) parking spaces plus one space for each guest room; and
 - b) Motels, hotels, boarding houses, and inns with more than 10 rooms -- One (1) parking space for each guest room plus one (1) space for each three (3) employees;
 - 3) Schools – Five (5) parking spaces for each classroom plus one (1) space for each four (4) employees;
 - 4) Hospitals (bed facilities only) – One (1) parking space for every three (3) beds, plus one (1) for each employee based on the expected average employee occupancy;
 - 5) Theaters, churches, and other public assembly places – One (1) parking space for every four (4) seats or for every one hundred (100) square feet or major fraction thereof of assemblage space if no fixed assets;
 - 6) Retail Stores – One (1) parking space for every three hundred (300) square feet of retail area, plus one (1) for every two (2) employees;
 - 7) Restaurants, eating and drinking establishments – One (1) parking space for every four (4) seats, plus one (1) for every two (2) employees;
 - 8) Professional Offices and Public Buildings – One (1) parking space for every three hundred (300) square feet of gross leasable area, exclusive of cellar and bulk storage areas;
 - 9) Other Commercial Recreation Establishments (mini golf courses, etc.) – The number of spaces deemed appropriate by the Planning Board; and
 - 10) Industrial – One (1) parking space for each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations.

24. OFF-STREET LOADING

Adequate off-street loading areas shall be provided for appropriate land uses. Loading areas cannot be included as parking spaces when meeting parking requirements.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

25. OIL AND CHEMICAL STORAGE

- a. All storage of petroleum or liquid products shall be in conformance with the provisions of Title 38 MRSA, Section 560 et.seq., which among other things establishes a ten (10) year compliance schedule for the discontinuance and removal of non-conforming underground oil storage facilities and requires qualified personnel to oversee the removal of certain underground facilities; and compliance with any duly adopted building codes and ordinances of the Town of Bradley.
- b. When applicable, the applicant shall have the burden of proof to assure the Planning Board or Code Enforcement Officer that all provisions of the above statutes have been met before the issuance of any permits may take place.

26. PROPERTY MAINTENANCE STANDARDS

All property, within the Town of Bradley and regulated by this Ordinance, whether occupied or unoccupied, shall meet or exceed the following standards:

- a. Outdoor Storage
Materials of value shall be stored in a safe and sanitary manner, shall not be scattered about and shall not have openings or stacked in a manner which may provide harborage for vermin. Vermin includes, but is not restricted to: rodents, birds and insects that are destructive to real or personal property or injurious to health.
- b. Trees and Shrubs
No tree, shrub or other vegetation shall block safe visions of sidewalk, drive or street. No dead trees, dead parts thereof, fallen trees, or fallen parts thereof that threaten adjacent structures of people or property in the public right of way shall be permitted to remain on any property.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

c. Health and Sanitation

All exterior areas shall be sanitary and free of trash and garbage. Composting of vegetative materials is allowed provided that it does not create odors, health hazards or nuisances. Trash includes materials or items which are not in good repair or are discarded and which are of little or no value, including plaster, paper, wrappings, plant cuttings, household furnishings, used or salvaged building materials, packing or clothing, appliances, equipment, machinery or parts thereof, scrap metal, scrap lumber, masonry block, disassembled vehicle parts or dismantled portions of vehicles. Garbage includes any spoiled or discarded animal or vegetative material resulting from the handling, preparation, cooking or consumption of food for humans or animals as well as other organic waste material subject to rapid decomposition, including trash to which such material has adhered.

27. PESTICIDE APPLICATION

Pesticide application in any of the Districts shall not require a permit provided such application is in conformance with applicable State and Federal statutes and regulations. Any pollutant introduced into soil on the site shall not exceed a concentration in the ground water that is greater than the guidelines established for it in the Safe Drinking Water Standard, EPA Health Advisory. Any violation of this standard shall be cause to order the immediate stop of the use or activity responsible for the contamination. The landowner shall be responsible for the cost of all remedial actions.

28. REFUSE DISPOSAL

- a. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner.
- b. The impact of particular industrial or chemical wastes or by-products upon the sanitary facilities (in terms of volume, flammability or toxicity) shall be considered and the applicant may be required to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The applicant must specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

29. SEWAGE DISPOSAL

- a. Subsurface Sewage Disposal – No permit shall be issued for a project with subsurface sewage disposal unless:
 - 1) There Is an area of suitable soils according to the Subsurface Waste Water Disposal rules of sufficient size to accommodate the proposed system;
 - 2) An acceptable plan to construct the absorption area is prepared in accordance with the Subsurface Waste Water Disposal Rules; and
 - 3) In lieu of (1) and (2) above, the applicant demonstrates that any deficiencies of the soil for purposes of sewage disposal can and will be overcome by a suitable engineering solution.
- b. No development shall be permitted which utilizes, for on-site subsurface sewage disposal purposes, any soil listed in the Soil Suitability Guide as having a very poor rating for the proposed use, unless the proposed sewage disposal system is approved under the Subsurface Waste Water Disposal Rules.

30. SIGNS

- a. Permit Required

Any person, firm, association or corporation that erects any sign in the Town of Bradley must do so in accordance with this section and only after obtaining a permit to do so from the Code Enforcement Officer, except as otherwise provided herein.

 - 1) Application for sign permit.
 - i. Application for a sign permit shall be made and signed by an applicant or his or her agent using a form provided by the Code Enforcement Officer. When the applicant is any person other than the owner, tenant or agent thereof, of the property where the sign is to be located, the application shall also be signed by the owner, tenant or his or her agent of that property. The application shall be accompanied by the required application fee; plans drawn to scale showing the dimensions of the sign,

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

the location where the sign is to be erected, and the method and direction of illumination, if any.

- ii. The application fee shall be set by the Town Council.

2) Expiration.

- i. If the work authorized by the permit is not completed within six (6) months from the date of issuance, the permit shall be null and void. Any new application shall meet all new requirements and restrictions.

b. Conformance of Signs

No sign shall be hereafter erected, altered or maintained, within the limits of the Town of Bradley, Maine except in conformance with the provisions of this section unless otherwise exempted.

c. Signs Prohibited

No sign, whether new or existing, shall be permitted within the Town of Bradley, Maine which causes a traffic sight, health or welfare hazard, or results in a nuisance, due to illumination, placement, display, or obstruction of existing signs.

d. Exemptions

1) Temporary Signs

The following temporary signs are permitted provided said signs conform to all standards of this section and all other municipal, federal and state ordinances, statutes and/or regulations:

- i. Temporary Signs Giving Notice

Signs of a temporary nature, such as advertisements for charitable functions, notices of meetings, other non-commercial signs of a similar nature, are permitted for a period not to exceed ninety (90) days, provided that the persons who posted the signs shall be responsible for their removal.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

ii. Temporary Yard Sale Signs

Temporary yard sales signs are permitted provided they do not exceed the size standards of Subsection (e) and provided they are removed with 24 hours of the completion of the sale. Yard sales which extend for more than three (3) consecutive days are not allowed.

iii. Political Signs & Posters

Signs bearing political messages are allowed provided they comply with State law, e.g.:

- May not be larger than fifty (50) square feet;
- Must not obstruct views of traffic or traffic signs;
- Must not be placed on utility poles;
- If placed within the right of way, they may only be placed within six (6) weeks before the election and removed within one (1) week after the election.

iv. Directional & Emergency Signs Allowed

- Directional arrows and parking signs no larger than two (2) square feet.
- Municipal and State highway and emergency signs and traffic control signs, signals and/or other devices regulating or enhancing public safety.

- 2) One sign, no larger than four (4) square feet, shall be allowed per property without a permit being required. This includes permanent signs identifying the property, such as, but not limited to, "Jones Homestead", "Smith Farm 1843", etc. These may be free-standing or affixed to the house or a fence.

e. Sign Requirements

- 1) All signs within the limits of the Town of Bradley shall meet the following requirements unless otherwise exempted by ordinance or State statute:
- No sign shall project over a walkway or interfere in any way with the normal flow of foot or vehicle traffic.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- All free standing signs shall be set back a minimum of eight (8) feet from property lines in all Districts.
- Signs attached flat on building shall not extend more than six (6) inches from the face of the building, or if projecting perpendicularly from the building, the sign shall not extend more than three (3) feet from the face of the building and there shall be a minimum clearance of ten (10) feet between the bottom of the sign and the original or final grade, whichever is greater, directly below the sign.
- No sign shall contain, include, or be illuminated by flashing, blinking, intermittent, or moving lights; Signs may be illuminated only by shielded, non-flashing lights so as to effectively prevent beams of light from being directed at neighboring residential properties or any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof.
- No sign shall exceed twenty-five (25) feet in height above the grade at sign location.
- Roof signs shall not extend more than six (6) feet above the roof line nor extend beyond the edges of the roof.
- One freestanding sign is allowed per lot. Maximum size for commercial or institutional purposes is thirty-two (32) square feet per side. Multi businesses on the same lot shall be allowed a combined maximum aggregate total of fifty (50) square feet per side. Maximum size for residential use is four (4) square feet per side. Supports are not considered part of the sign when computing size.
- All signs and their supporting structures shall be properly maintained to prevent rust, rot, peeling or similar deterioration.
- Wall signs shall not be attached to or obstruct any window, door, stairway or other opening intended for ingress, egress or for ventilation or light.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- Any sign which advertises a business, activity or campaign no longer conducted or product no longer sold on the premises shall be taken down and removed within thirty (30) days by the owner, agent or person having control of the premises or land upon which sign is erected. This requirement does not pertain to seasonal businesses.
- Any existing sign that is deemed a danger because of its placement or lighting shall be moved, removed or otherwise corrected to the greatest extent practical in the opinion of the Planning Board.

f. Off Premise Signs

No off premise sign shall be erected or maintained in the Town of Bradley except in conformity with MRSA Title 23, Section 1901-1925, and The Maine Traveler Information Services Law. Off premises official business directional signs may be located in the Town of Bradley in such a location and in such a manner as allowed under Title 23, Section 1901-1925 and under the rules and regulations of the Department of Transportation of the State of Maine.

g. Non-Conforming Signs

- 1) Legally pre-existing non-conforming signs shall be allowed to exist unless they present a hazard to life and property or are deemed a nuisance. See Sub§ 30.c.
- 2) Pre-existing non-conforming sign locations do not have legally non-conforming status. New or replacement signs shall meet all present requirements unless replaced or plans for replacement are received by the CEO within thirty (30) days of the previous sign's removal.
- 3) A temporarily closed business may retain its non-conforming sign location if it is located on a permanent base or one that would be difficult to move, such as a poured concrete platform.
- 4) Non-conforming signs that are destroyed or discontinued for more than fourteen (14) days must be removed by the owner or agent within thirty (30) days of the destruction or discontinuance.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

31. SITE CONDITIONS

- a. During construction, the site shall be maintained and left each day in a safe and sanitary manner and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon order of the Code Enforcement Officer or other authorized personnel. The developer shall make provisions for disposal of oil and grease from equipment and the site area should be regularly treated to control dust from construction activity.
- b. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit; and
- c. No changes shall be made in the elevation or contour of the lot or site by the removal of earth to another lot or site other than as shown on an approved site plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval by the Code Enforcement Officer.

32. SOILS

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and similar intensive land uses shall require a soils report, prepared by a duly licensed individual as appropriate for the project.

33. TEMPORARY STORAGE

Portable or mobile trailers, vans, and similar vehicles or temporary buildings, including boxcars, may be used for storage, only upon approval of the Code Enforcement Officer and only for temporary period not to exceed six (6) months. Such approval may be granted by the Code Enforcement Officer and may be extended for successive periods of six (6) months each, if a finding can be made that the use:

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- a. Does not diminish area requirements as set forth for the District in which it is located;
- b. There is a valid temporary need which cannot be met with the principal structure and that adequate economic hardship can be shown;
- c. The initial approval, or any renewal, of the use will not in any way be detrimental to the neighboring properties including aesthetic appearance;
- d. The use is not intended as a permanent or long-term use;
- e. The use is not intended to circumvent building area limitations for the District in which it is located or prolongs the use of facilities that have been outgrown;
- f. Will be adequately screened from neighborhood properties and the street;
- g. Will not be used as or intended for advertising for on or off premise purposes; and
- h. Is not intended for retail sales.

The above provisions do not prohibit the use of such temporary facilities as construction or job site office or equipment storage facilities during construction provided that no advertising other than the contractor's name shall be permitted and that such signs meet the sign requirements of this Ordinance.

34. TOPSOIL AND VEGETATION REMOVAL

- a. Topsoil shall be considered part of the development and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations;
- b. Except for normal thinning, landscaping, or cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Planning Board shall require a developer to take measures to correct and prevent soil erosion in the proposed development.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

35. TOWERS

No tower shall be hereinafter erected, altered or maintained, within the limits of the Town of Bradley, Maine except in conformance with the provisions of this section. The Town may elect to require a surety prior to the construction of any tower.

a. Tower Requirement: All towers within the limits of the Town of Bradley shall meet the following requirements:

- 1) Priority of Location: New wireless telecommunications facilities must be located according to the priorities listed below. The applicant shall demonstrate that a facility of a higher priority cannot reasonably accommodate the applicant's proposed facility.
 - Priority 1: Co-location on an existing wireless telecommunications facility or other existing structure within any District.
 - Priority 2: A new facility on public or private property in the Rural Resource District or permitted as a commercial use.
 - Priority 3: A new facility on public or private property in the Mixed District.
 - Priority 4: A new facility on public or private property in the Residential District.
- 2) Siting on Municipal Property: If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on municipal property, the applicant must show the following:
 - a) The proposed location complies with applicable municipal policies and ordinances.
 - b) The proposed facility will not interfere with the intended purpose of the property.
 - c) The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.
- 3) Structural Standards: A new wireless telecommunications facility must comply with the current Electronic Industries Association/ Telecommunications Industries Association (EIA/TIA) 222 Revision

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

Standard entitled “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures”.

- 4) Lighting: A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be down directional to retain light within the boundaries of the site.
- 5) Color and Materials: A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surroundings natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.
- 6) Landscaping: All new wireless telecommunications facility shall be screened with native plants from the view of abutting property owners to the maximum extent possible and landscaped to conform to the surrounding area.
- 7) Fencing: A new telecommunications facility must be fenced to discourage trespass on the facility. As deemed appropriate by the Planning Board, sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated to reduce the potential for trespass and injury.
- 8) Visual Impact: The proposed wireless telecommunications facility will have no unreasonable adverse impact upon scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or Federal agency. The following submissions are required as a basis for the Planning Board to determine visual impact:
 - a) A tree line elevation drawing depicting vegetation within two-hundred (200) feet of the proposed facility;
 - b) Details regarding the type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;
 - c) Details or drawings indicating the extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s) of others such as passing motorists;

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

- d) A description of the amount and location of proposed vegetative screening;
 - e) The distance of the proposed facility from scenic areas and scenic views, the viewpoint and the facility's location within the designed scenic resource; and
 - f) A narrative regarding the presence of reasonable alternatives that would allow the facility to function consistently with its purpose.
- 9) Setbacks: The center of the base of any proposed telecommunications tower must be setback a minimum of 125% of the tower's height, or the nearest property line setback of the district in which it is located, whichever is greater. No part of the tower structure, including anchors, guy wires, overhead lines, masts, etc., shall be located in the required setback or in any required buffer area, both on the ground or in the air space above the ground. A tower's setback may be reduced by the Planning Board to allow the integration of a tower into an existing or proposed structure such as a church steeple, power line support device, water tank or other similar structure.
- 10) Historic and Archaeological properties: The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure which may be listed on or eligible for listing on the National Register of Historic Places.
- b. Abandonment: A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility, and/or landowner in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned. If the owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation. If a surety has been required by the Planning

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

Board and given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

c. Exempt Towers: The following towers are exempt from the provisions of this section:

- 1) Emergency wireless telecommunications facilities.
- 2) Amateur (ham) radio stations.
- 3) Parabolic Antenna. Parabolic antennas (Satellite Dishes) less than seven (7) feet in diameter, that are an accessory use of the property.
- 4) Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
- 5) Temporary wireless telecommunications facilities.
- 6) Antennas as a residential accessory use.

36. TRANSIENT ACCOMMODATIONS: "BED AND BREAKFAST"

"Bed and Breakfast" accommodations shall be permitted in the private, year round residence of the host family who live on the premises provided that:

- a. The maximum number of guests at any time is ten (10) persons;
- b. The maximum number of guestrooms is three (3);
- c. Breakfast is the only meal provided by the host family;
- d. One (1) sign not to exceed four (4) square feet per side is permitted on the premises.

37. TRANSIENT ACCOMMODATIONS: "MOTELS AND HOTELS"

"Motel and Hotel" accommodations include buildings where rooms are provided for Compensation and may include accessory uses such as restaurants, lounges, gift shops, Conference rooms, and recreational facilities such as swimming pools and game rooms.

SECTION V: LAND USE STANDARDS (Cont.)

A. GENERAL STANDARDS (Cont.)

38. TRANSIENT ACCOMMODATIONS: "RENTAL CABINS AND COTTAGES"

To insure the health, safety, and welfare of guests and the occupants of neighboring properties, the following requirements shall be met:

- a. Each cabin or cottage site shall meet the minimum lot size requirements of a single family detached dwelling in the applicable District;
- b. A minimum of two hundred (200) square feet of street parking plus maneuvering space shall be provided for each cabin or cottage;
- c. Each cabin or cottage shall be set back a minimum of fifty (50) feet from the exterior lot lines;
- d. Each cabin or cottage shall be provided with a safe and adequate means of sewage, garbage and rubbish disposal, and water supply and fire protection;
- e. Adequate storm water drainage shall be provided for each cabin or cottage site;
and
- f. Each cabin or cottage site shall be appropriately landscaped.

SECTION V: LAND USE STANDARDS (Cont.)

Town of Bradley
Land Use Ordinance

B. DIMENSIONAL REQUIREMENTS

All structures and uses shall conform to the following dimensional requirements:

Village District (VD)

Dimensional Requirements

	<u>Public Sewer or Water</u>	<u>Septic & Well</u>
Minimum Lot Size	½ Acre	1 Acre
Minimum Lot Size Per Dwelling Unit	½ Acre	1 Acre
Minimum Road Frontage	50 Feet	50 Feet
Minimum Setback from Property Line to Nearest Point of any Structure, including eaves, porches, decks, steps, ramps, etc., but not including patios or patio-like structures at ground levels:		
Front Yard	30 Feet	50 Feet
Side & Rear Yard		
Principal Structure	15 Feet	20 Feet
Accessory Structure	10 Feet	10 Feet
Maximum Building Height	35 Feet	35 Feet

SECTION V: LAND USE STANDARDS (Cont.)

B. DIMENSIONAL REQUIREMENTS (Cont.)

All structures and uses shall conform to the following dimensional requirements:

Residential District (RD)

Dimensional Requirements

Minimum Lot Size	1 Acre
Minimum Lot Size Per Unit	1 Acre
Minimum Road Frontage	150 Feet

Minimum Setback from Property Line
to Nearest Point of any Structure,
including eaves, porches, decks, steps,
ramps, etc., but not including patios or
patio-like structures at ground levels:

Front Yard	50 Feet
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Side & Rear Yard

Principal Structure	20 Feet
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Accessory Structure	10 Feet
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Maximum Building Height	35 Feet
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SECTION V: LAND USE STANDARDS (Cont.)

B. DIMENSIONAL REQUIREMENTS (Cont.)

All structures and uses shall conform to the following dimensional requirements:

Mixed District (MD)

Dimensional Requirements

Minimum Lot Size	1 Acre
Minimum Lot Size Per Dwelling Unit	1 Acre
Minimum Road Frontage	150 Feet
Minimum Setback from Property Line to Nearest Point of any Structure, including eaves, porches, decks, steps, ramps, etc., but not including patios or patio-like structures at ground levels:	
Front Yard	50 Feet
Side & Rear Yard	
Principal Structure	20 Feet
Accessory Structure	10 Feet
Maximum Building Height	35 Feet

SECTION V: LAND USE STANDARDS (Cont.)

B. DIMENSIONAL REQUIREMENTS (Cont.)

All structures and uses shall conform to the following dimensional requirements:

Rural Resource District (RRD)

Dimensional Requirements

Minimum Lot Size	10 Acres
Minimum Lot Size Per Dwelling Unit	10 Acres
Minimum Road Frontage	250 Feet
Minimum Setback from Property Line to Nearest Point of any Structure, including eaves, porches, decks, steps, ramps, etc., but not including patios or patio-like structures at ground levels:	
Front Yard	50 Feet
Side & Rear Yard	
Principal Structure	20 Feet
Accessory Structure	10 Feet
Maximum Building Height	35 Feet

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SECTION VI: ADMINISTRATION AND ENFORCEMENT

SECTION USERS GUIDE: This section contains provisions for the administration of this Ordinance including specific provisions for certificates of compliance, conditions of approval, and public hearings.

A. CREATION OF ADMINISTERING BODIES AND AGENTS

1. CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall approve or deny those applications on which he/she is employed to act as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

2. PLANNING BOARD

The Planning Board of the Town of Bradley is hereby designated as “the Planning Board”, heretofore established in accordance with Article VIII, Pt.2, § 1, of the Maine Constitution and Title 30-A MRSA, § 3001. The members of the Planning Board shall be appointed by the Town Council of Bradley.

The Planning Board shall approve, approve with conditions, or deny those applications on which it is empowered to act as stated in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

3. BOARD OF APPEALS

The Board of Appeals for the Town of Bradley is hereby designated as “the Board of Appeals”, heretofore established in accordance with Article VIII, Pt.2, and § 1 of the Maine Constitution and with Title 30-A MRSA, § 4353. The members of the Board of Appeals shall be appointed by the Town Council of Bradley.

B. APPROVAL REQUIRED

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Planning Board or Code Enforcement Officer, as provided herein.

SECTION VI: ADMINISTRATION AND ENFORCEMENT

C. APPLICATION REQUIRED

Applications for approval shall be submitted in writing, on forms provided, to the Code Enforcement Officer who shall oversee the permitting process and record keeping. The Code Enforcement Officer may require the submission of additional information deemed necessary to determine conformance with the provisions of this Ordinance.

D. CODE ENFORCEMENT OFFICER PERMIT

A permit issued by the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

1. ACTIVITIES REQUIRING PERMIT

- a. FLOOD HAZARD AREAS: All construction or earth moving activities or other improvements or changes within the 100-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
- b. NEW CONSTRUCTION: New construction of buildings or structures, including additions.
- c. ALTERATION: Alteration of a building, structure, or land, or parts thereof, including, but not limited to:
 - 1) Interior renovations for change in use;
 - 2) Removal of interior walls to create new rooms;
 - 3) Enclosing open frame porches, for the creation of additional living space, sleeping space or any activity which increases the daily water usage.
- d. PLACEMENT OF SIGNS: Placement of signs except temporary signs.
- e. MOVING OR DEMOLITION: All buildings or structures which are removed from, moved onto, or moved around within a lot, or demolished.
- f. CHANGE OF USE: The change of any premises from one category of land use to any other land use.
- g. GARAGE SALE/YARD SALE
- h. SECTION IV: F. SCHEDULE OF USES: Any activity requiring a Land Use Permit in accordance with the Land Use Ordinance Schedule of Uses.

SECTION VI: ADMINISTRATION AND ENFORCEMENT

D. CODE ENFORCEMENT OFFICER PERMIT (Cont.)

- i. CONVERSION of single/two-family into multiple units.
- j. SHORELAND ZONE: See the Shoreland Zoning Ordinance.

2. PROCEDURE

- a. APPLICATION: All applications for a Code Enforcement Officer Permit shall be submitted, with appropriate fee, in writing to the Code Enforcement Officer on forms provided, and signed by the owner or owner's agent.
- b. SUBMISSIONS: All applications for a Code Enforcement Officer Permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, including:
 - 1) The actual shape and dimensions of the lot for which a permit is sought;
 - 2) The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all water bodies and wetlands within two hundred fifty (250) feet of the property lines;
 - 3) The location and building plans of new buildings, structures or portions thereof to be constructed. Plans to be submitted if deemed necessary by the Code Enforcement Officer;
 - 4) The existing and intended use of each building or structure;
 - 5) Where applicable, the location of soil test pits, subsurface sewage disposal system, parking lots and driveways, signs, buffers, private wells; and
 - 6) Such other information as may be reasonably required by the Code Enforcement Officer to provide for the administration and enforcement of this Ordinance.
- c. TO WHOM ISSUED: No permit shall be issued except to the owner of record or his authorized agent. Written proof of authorization may be required.
- d. COMPLIANCE WITH LAND USE ORDINANCE: All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section V of this Ordinance.

SECTION VI: ADMINISTRATION AND ENFORCEMENT

D. CODE ENFORCEMENT OFFICER PERMIT (Cont.)

- e. DEADLINE FOR DECISION: The Code Enforcement Officer shall, within thirty (30) days of receipt of an application: issue the permit, if all proposed construction and uses meet the provisions of the Ordinance; refer the application to the Planning Board for their review; or deny the application. All decisions of the Code Enforcement Officer shall be in writing.
- f. COPIES: One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer, shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.
- g. POSTING: The applicant shall cause any permit issued to be conspicuously posted on the lot on which the activity will occur at a location clearly visible from the street.
- h. COMMENCEMENT AND COMPLETION OF WORK: Construction and alteration activities on projects for which a permit has been granted under this Section shall commence with six (6) months of the date of issuance of the permit and shall be completed within eighteen (18) months of that date.

Activities which are not commenced or completed within the time limits provided above shall be subject to new application and the new permit issued under this Section shall be considered void. Activities may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted prior to the expiration of the prior permit.
- i. APPEALS: Appeals from decisions of the Code Enforcement Officer may be taken pursuant to the provisions of this Ordinance.

E. PLANNING BOARD PERMIT REVIEW

The Planning Board shall review all applicable Land Use Permit applications pursuant to Section IV, F., Schedule of Uses.

- 1. APPLICATOIN: All applications for a Planning Board Permit shall be submitted in writing, with the applicable fee, to the Code Enforcement Officer on forms provided.

SECTION VI: ADMINISTRATION AND ENFORCEMENT

E. PLANNING BOARD PERMIT REVIEW (Cont.)

2. SUBMISSION: All applications for a Planning Board Permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:
 - a. Map drawn to scale.
 - b. Name of applicant.
 - c. Boundaries of the tract of land.
 - d. Location of existing and proposed buildings and other structures, including use and proposed use thereof.
 - e. Location of buildings on abutting properties or within 300 feet of the property line of the proposed development.
 - f. Location of existing public streets.
 - g. Location of proposed access drives to the lot from public streets.
 - h. Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.
 - i. Location of existing and proposed pedestrian walkways.
 - j. Location of existing and proposed utilities and easements therefore, including sanitary sewerage, water, and electricity.
 - k. Location of existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc.
 - l. Location, intensity, type, size and direction of all outdoor lighting.
 - m. Location and proposed use for areas proposed for outdoor recreation.

SECTION VI: ADMINISTRATION AND ENFORCEMENT

E. PLANNING BOARD PERMIT REVIEW (Cont.)

- n. Location and type of existing and proposed fences, hedges, and trees of 12 inch diameter and over, at a point 4.5 feet above ground level or filled area.
 - o. Contour lines at appropriate intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated or filled if deemed necessary by the Planning Board.
 - p. Location and size of signs and all permanent outdoor fixtures.
 - q. District classification.
 - r. Setback dimensions from property lines and center of road.
3. TO WHOM ISSUED: No permit shall be issued except to the owner of record or his authorized agent. Written proof of authorization may be required.
4. COMPLIANCE WITH LAND USE ORDINANCE: All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section V of this Ordinance.
5. PUBLIC HEARING DEADLINE: Within a maximum of thirty (30) days after the filing of an application for a Land Use Permit, and before taking action thereon, the Planning Board shall hold a public hearing on the application. Notice of said hearing shall be published in a local newspaper at least ten (10) days in advance of said hearing. A notice of said hearing shall be mailed to each landowner abutting the parcel involved. Land owners shall be considered to be those against whom property taxes are assessed. Failure of any land owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board. Responsibility for such notification shall be assumed by the Code Enforcement Officer. The applicant shall bear all associated costs of advertisements and notifications. The purpose of the public hearing shall be to receive input from the general public relative to the applicable sections of the review standards.

SECTION VI: ADMINISTRATION AND ENFORCEMENT

E. PLANNING BOARD PERMIT REVIEW (Cont.)

6. **PLANNING BOARD REVIEW AND ACTION:** Within thirty (30) days after the public hearing, in which the permit application is reviewed, the Planning Board shall approve, approve with modifications, or disapprove the application. The Board shall limit its review to the criteria and standards established within this Ordinance. The Board shall inform the applicant of its decision in writing, and in cases of disapproval or approval with modifications, reasons for such action shall be stated. A copy of the Board's decision shall be retained on file with the Code Enforcement Officer. A Land Use Permit shall not be issued unless approval of the application has been granted.
7. **COPIES:** One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer, shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.
8. **POSTING:** The applicant shall cause any permit issued to be conspicuously posted on the lot on which the activity will occur at a location clearly visible from the street.
9. **COMMENCEMENT AND COMPLETION OF WORK:** Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be completed within eighteen (18) months of that date.

Activities which are not commenced or completed within the time limits provided above shall be subject to new application and the permit issued under this Section shall be considered void.

Activities may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted prior to the expiration of the pertinent permit.

10. **APPEALS:** Appeals from decisions of the Planning Board may be taken pursuant to the provisions of this Ordinance.

SECTION VI: ADMINISTRATION AND ENFORCEMENT

F. OTHER PERMITS REQUIRED BEFORE APPROVAL

Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits have been secured and evidence that they have been secured has been provided unless state or federal regulations require local approval first.

G. POSITIVE FINDINGS REQUIRED

Approval shall be granted by the Code Enforcement Officer or Planning Board, after receipt of a complete application, only upon a positive finding by the Code Enforcement Officer or Planning Board that the proposed use:

1. Is a permitted use in the district in which it is proposed to be located;
2. Is in conformance with the applicable performance standards of Section V of this Ordinance;
3. Will not result in unsafe or unhealthful conditions;
4. Will not result in undue land, water or air pollution;
5. Will not result in undue erosion or sedimentation;
6. Will avoid problems associated with development in flood hazard areas;
7. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
8. Will conserve significant natural, archaeological and historical resources;
9. Will not adversely impact the proposed use on public infrastructure;
10. Be consistent with the long range goals of the Comprehensive Plan, other adopted plans of the town, and the goals and purposes of the established districts.

SECTION VI: ADMINISTRATION AND ENFORCEMENT

H. VIOLATIONS

If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, he/she shall issue a written Notice of Violation to the person responsible for such violation, and the property owner (if different). The Notice of Violation will be mailed certified mail, then if unclaimed for 7 business days, the notice will be served by use of the Penobscot County Sheriff's Department.

The Notice of Violation shall include the name and address of the violator, the location of the violation, a brief description of the violation along with a citation to the Ordinance provision or other law being violated, the time and date that the violation was first observed, an order describing the actions necessary to correct the violation (such as discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions), a deadline for abating the violation, a statement of appeal rights to the Board of Appeals, and the consequences of failure to appeal. The Code Enforcement Officer shall have the discretion to determine an appropriate deadline for correcting a violation. This deadline must be reasonable under the circumstances and generally will not be less than 7 days or more than 30 days. An extension of time not to exceed 30 days may be granted by the Code Enforcement Officer, additional extensions may only be granted by the Town Council.

When the above action does not result in correction or abatement of the violation, the Code Enforcement Officer will notify the Town Manager and the Town may initiate litigation to enforce the ordinance, seeking, inter alia, a compliance order, fines, costs and attorney fees.

I. COMMENCEMENT AND COMPLETION OF WORK

Construction and alteration activities for which approval has been granted under this Ordinance shall commence within six (6) months of the date of permit issuance and shall be completed within eighteen (18) months of the date of permit issuance.

J. CERTIFICATE OF OCCUPANCY REQUIRED

After a building, structure, or part thereof has been erected, altered, enlarged, or moved, pursuant to approval under this Ordinance, a Certificate of Occupancy shall be obtained from the Code Enforcement Officer for the proposed use before the same may be occupied or used. A Certificate of Occupancy is required for activities granted approval under this Ordinance.

K. ENFORCEMENT

1. NUISANCES

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

SECTION VI: ADMINISTRATION AND ENFORCEMENT

K. ENFORCEMENT (Cont.)

2. LEGAL ACTIONS

When the above does not result in the correction or abatement of the violation or nuisance condition, the Council, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance in the name of the municipality.

3. FINES

Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation shall be liable for civil penalty of a minimum of \$100.00 to a maximum of \$2,500.00 for each violation. Each day the violation continues shall constitute a separate violation as referenced in Title 30-A, § 4452.

Work commenced prior to the obtaining of a required permit shall be subject to a double permit fee.

4. CONTRACTOR LIABILITY

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or if work performed by the contractor does not conform to all conditions of approval of the permit or the terms of this Ordinance.

L. APPEALS

A. ADMINISTRATIVE APPEALS

The Board of Appeals shall hear and decide appeals where it is alleged that there is any erroring any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or the Planning Board in the administration of this Ordinance. When errors of administrative procedures or interpretation are found, the case shall be remanded to the Code Enforcement Officer or Planning Board for correction.

B. VARIANCES

The Board of Appeals shall authorize variances upon appeal, within the limitations set forth in this Ordinance.

- a. Dimensional variances may be granted only from dimensional requirements including frontage, lot area, lot width, height, and setback requirements

SECTION VI: ADMINISTRATION AND ENFORCEMENT

L. APPEALS (Cont.)

- b. Variances shall not be granted for establishment of any use otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - 1) The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and
 - 2) The strict application of the terms of this Ordinance would result in an undue hardship.

The term “undue hardship” shall mean all of the following:

- a) The land in question cannot yield a reasonable return unless a variance is granted;
 - b) That the need for a variance is due to the circumstances of the property and not to the general conditions in the neighborhood;
 - c) That the granting of a variance will not alter the essential character of the locality; and
 - d) That the hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living at or regularly visits the property. The Board shall restrict any variance granted under this Sub-Section solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability.
 - e. The Board may grant a variance for a single-family dwelling, that is the principal year-round residence of the petitioner, from a setback requirement only when strict application of the Land Use Ordinance to the petitioner and the petitioner’s property would cause undue hardship. A variance under this section may not exceed 20% of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage (if applicable) or if it would be less than the minimum setback from a water body or wetland required within the shoreland zone. If the petitioner has obtained the written consent of an affected

SECTION VI: ADMINISTRATION AND ENFORCEMENT

L. APPEALS (Cont.)

abutting landowner, the 20% limitation may be extended. The term “undue hardship” for this section means:

- 1) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- 2) The granting of a variance will not alter the essential character of the locality;
- 3) The hardship is not the result of action taken by the applicant or a prior owner;
- 4) The granting of the variance will not substantially reduce or impair the use of abutting property; and
- 5) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

f. The Board may grant a variance from the dimensional standards of this Ordinance when strict application of the ordinance to the petitioner and the petitioner’s property would cause a practical difficulty and when the following conditions exist:

- 1) The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
- 2) The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
- 3) The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- 4) No other feasible alternative to a variance is available to the petitioner;
- 5) The granting of a variance will not unreasonably adversely affect the natural environment; and
- 6) The property is not located in whole or in part within shoreland areas as described in Title 38, Section 435.

As used in this subsection, “dimensional standards” means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.

As used in this subsection, “practical difficulty” means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

SECTION VI: ADMINISTRATION AND ENFORCEMENT

L. APPEALS (Cont.)

C. APPEAL TO SUPERIOR COURT

An appeal may be taken within thirty (30) days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State Law.

M. VARIANCES REQUIRED

If the Board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within ninety (90) days of the date of the final written approval of the variance of the variance is void. A variance is not valid until recorded as provided in this section. The date of the final written approval shall be the date stated on the written approval.

N. FEE SCHEDULE

All application fees for permit applications shall be paid to the Town of Bradley in accordance with the fee schedule as established by the Bradley Town Council. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit. Advertising costs, technical or legal assistance and associated costs deemed necessary by the Town for the review of applications shall be the responsibility of the applicant.

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SECTION VII: DEFINITIONS

Town of Bradley
Land Use Ordinance

A. CONSTRUCTION OF LANGUAGE

1. In this Ordinance, certain terms or words should be interpreted as follows:

- a. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
- b. The present tense includes the future tense, the singular number includes the plural and plural includes the singular;
- c. The word “shall” is mandatory;
- d. The word “may” is permitted;
- e. The words “used” or “occupied” includes the words “intended”, “designed”, or “arranged to be used or occupied”; and
- f. The word “dwelling” includes the word “residence”.

2. Terms not defined shall have the customary dictionary meaning.

B. DEFINITIONS

For the purposes of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

Abutting: Having a common border with, or being separated from such common border by an alley, right-of-way, easement or stream.

Access: A means of approach or entry to or exit from property.

Accessory Structure: See Structural Terms.

Acre: A measure of land containing forty-three thousand, five hundred and sixty (43,560) square feet.

Acreage: See “Pasturage”.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Adult Entertainment: Any business in any use category, of which a substantial or significant portion consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in materials or devices of any kind which are sexually explicit or appeal to prurient interest and which depict or describe sexual activities.

Aggrieved Person: A person whose interests are damaged or adversely affected by a decision, an action, or the failure to act by the Planning Board or Code Enforcement Officer.

Agricultural Activity: Land clearing, tilling, fertilizing, including spreading and disposal of animal manure and manure sludge, liming, planting, pesticide application, harvesting of cultivated crops, pasturing of livestock and other similar or related activities, but not the construction, creation or maintenance of land management roads.

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

Amateur (ham) Radio Stations: Amateur (ham) radio stations as licensed by the Federal Communications Commission (FCC).

Animal Husbandry: The agricultural practice of breeding and raising livestock (farm animals).

Antenna, Accessory Use: An antenna that is an accessory use to a residential dwelling unit.

Appeal: A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by this Ordinance.

Attic: That part of a building that is immediately below, and wholly or partly within, the roof framing.

Automobile graveyard: A yard, field or other area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, Section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Automobile Sales: A lot arranged, designed, or used for the storage and display for sale of any motor vehicle and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

Automobile Recycling Facility: An automobile recycling business is a business which purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts, rebuilding or repairing salvage vehicles for resale. (See Title 30-A MRSA 3752)

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

Basement: The substructure of a building that is partially or wholly below ground level which may or may not be used for living spaces.

Bed and Breakfast: Accommodations provided for compensation as a business in the private year-round residence of the host family, consisting of a maximum of three guest rooms and 10 guests at any one time. Breakfast is the only meal, if any, to be provided for compensation.

Buffers: Units of land, together with specified types and amounts of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Building: A roofed structure. See Structural Terms.

Building Front Line: The line parallel to the front lot line and transecting that point in the building which is closest to the front lot line. This face includes porches whether enclosed or unenclosed.

Campground: Any land area specifically designed and developed, containing two or more individual campsites which accommodate that segment of the traveling public, seeking temporary camping accommodations for tents, recreational vehicles and/or towed travel trailers for compensation. Accessory uses include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services etc...

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Certificate of Occupancy: Official certification that a premises conforms to provisions of the Land Use Ordinance (and electrical code, plumbing code, American Disabilities Act, Life Safety 101, and NFPA 31, etc., as applicable), and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

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

Code Enforcement Officer: A person appointed by the Town Council to administer and enforce this Ordinance.

Day Care Center: A house or place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day, providing care and protection for 3 or more children under the age of 16 unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows:

Day Care Center:	A Day Care Facility as defined in State statutes for 13 or more children on a regular basis; and
Day Care Home:	A Day Care Facility as defined in State statutes for 3 to 12 children on a regular basis.

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

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

Drainage: The removal of surface or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water-supply preservation or alleviation of flooding.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Easement: Legally binding authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

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

Emergency Wireless Telecommunications Facility: Temporary wireless communication facilities for emergency communications by public officials.

Enlargement or To Enlarge: An “enlargement” is an addition to an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To “enlarge” is to make an enlargement.

Essential Services: The construction, alteration, maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection supply or disposal systems. Such systems include towers (with the exception of cellular towers), poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories. These systems are exempt from definition of a structure.

Extension or To Extend: An increase in the amount of existing floor area used for an existing use within an existing building. To “extend” is to make an extension.

Family: Two (2) or more persons related by blood, marriage, adoption or guardianship, or not more than five (5) persons not so related occupying a dwelling unit and living as a single housekeeping unit; such a group to be distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Fire Station: A building constructed for the purpose of housing municipal fire-fighting equipment and related items for fire protection and prevention.

Garage, Residential: An accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence usually occupying the ground floor area of principal one-or-two family dwellings.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Garage Sales/Yard Sales: Garage sales shall mean and include all sales entitled “garage sale”, “tag sale”, “lawn sale”, “porch sale”, “attic sale”, “rummage sale”, “yard sale” or “flea market” sale or any similar casual sale of tangible personal property which is advertised by any means or is made evident by articles being set out in a yard, porch, or garaged whereby the public at large is or can be made aware of such sale.

Grocery Store: A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket, defined as a “Major Retail Outlet”.

Guest Room: A room in a hotel, motel, tourist home or “bed and breakfast” residence offered to the public for compensation in which no provision is made for cooking.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a structural accessory thereto, which use is accessory, incidental and secondary to the use of the building for dwelling purposes, and does not change the residential character or appearance of such building.

Hospital: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel: An establishment that provides lodging and usually meals, entertainment and various personal services for the public.

Industry: Use of a premise for assembling, fabricating, finishing, manufacturing, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

In-law: A parent or grandparent, child or grandchild, brother or sister related by blood, marriage or adoption.

In-law Apartments: See “Structural Terms”

Inn: An establishment for lodging and may include entertaining of travelers.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Junkyards: “Junkyard” means a yard, field or other outside area used to store, dismantle or otherwise handle:

- A. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment household appliances and furniture;
- B. Discarded, scrap and junked lumber; and
- C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

Kennel, Commercial: Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding, care, training or breeding etc., for which a fee is charged.

Kennel, Non-Commercial: An accessory building to a residence designed or used for the accommodation of dogs or cats owned by the occupants of the residence.

Land Use Permit: A permit for proposed land use activity as defined in this Ordinance and issued by the Planning Board or Code Enforcement Officer in accordance with the provisions of this Ordinance.

Light Manufacturing: The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting or otherwise shaping of the processed materials into objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lot: A parcel of land undivided by any street or public road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses incidental to such building, use or development, including such open spaces and yards as are designed, and arranged or required by this Ordinance for such building, use or development.

Lot Area: The area contained within the boundary lines of a lot.

Lot, Corner: A lot abutting two or more streets at their intersection.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

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

Lot Frontage: Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by the Ordinance shall be provided on at least one street. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the front property line shall be no less than the frontage requirement of that lot. The 100' distance shall be measured perpendicular to the front line or, if the front line is irregular, perpendicular to a line drawn between the two end points of the front line. The minimum width measurement shall be parallel to the front property line.

Lot Line: A line bounding a lot which divides one lot from another, or from a street or any other public or private space, as defined below:

Front Lot Line: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front line, except where the rear lot line requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the lot line in front of the building.

Rear Lot Line: That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

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

Lot of Record: Any validly recorded lot that at the time of its recordation complied with all applicable laws, ordinances, and regulations.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Lot Standards: The combination of controls that establishes the maximum size of a building and its location on the lot. Components of lot standards, also known as “space and bulk” regulations in size and height of building; location or exterior walls at all levels with respect to lot lines, streets and other buildings; building coverage; gross floor area of buildings in relation to lot area; open space (yard) requirements; and amount of lot area provided per dwelling unit.

Manufactured Housing: A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site.

For the purposes of this Ordinance, three (3) types of manufactured housing will be referred to:

1. **NEWER MOBILE HOME:** Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et seq., which in the traveling mode are 14 body feet or more in width and are 750 or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation;
 - a) This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.;
2. **OLDER MOBILE HOMES:** Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, but does not include those smaller units commonly called “travel trailers”;

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

3. **STATE CERTIFIED MODULAR HOMES:** Those units commonly called 'modular homes' that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

All Mobile Homes are now referred to as Manufactured Homes.

Marina: A business establishment having frontage on navigable water within the Town and providing for hire off-shore mooring or docking facilities for boats and accessory services and facilities such as: boat sales, rental and storage, marine supplies and equipment, marina engine and hull repairs, construction and outfitting for pleasure craft, fuel and oil, electricity, fresh water, ice, shower and laundry facilities and on-premises restaurant.

Medical Clinic: An office building used by members of the medical profession for the diagnosis and outpatient treatment of human ailments.

Mineral Extraction: The removal of sand, gravel, bedrock or soil from its natural site of geologic deposition or formation; the screening, sorting, crushing or other processing of any part of the geologic material so removed; the storage of sand, gravel, crushed stone, or soil in stock piles or other forms.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Bradley for the placement of three (3) or more manufactured homes.

Motel: An establishment that provides lodging and parking and in which rooms are accessible from an outdoor parking area.

Motor Vehicle: Every vehicle that is self-propelled and designed for carrying persons or property or which is used for the transportation of persons.

Motor Vehicle, Unserviceable: Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any public highway, or which is not being used for the purposes for which it was manufactured.

Municipal Facilities: Buildings or land that is owned by a Public entity and operated under its supervision for a public purpose.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Non-Conforming Use: See USE TERMS

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

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Parcel: The entire area of a tract of land before being divided by a development.

Parking Lot: An open area other than a street used for the parking of more than two automobiles and available for public use whether free, for compensation, or an accommodation for clients or customers.

Parking Space: A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

Pasturage: The land area and structure set aside for the keeping, raising and grazing of farm animals.

Performance Standards: A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by users in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of citizens of Bradley.

Professional Office: An office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, etc., but not including any manufacturing, commercial or industrial activity.

Radio Station: An establishment engaged primarily in the use of electromagnetic waves for the wireless transmission of electric impulses into which sound is converted for the purposes of entertainment, education, news or weather.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Restaurant: An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

1. Customers normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or
2. A cafeteria or buffet type operation where food and beverages generally are consumed within the restaurant building.

Retail Establishment: Any business, housed in a permanent structure, engaged primarily in the sale of goods and services to the ultimate consumer for direct consumption and/or use, but not for resale.

Road: A thoroughfare or way consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

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

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

Setback: The minimum distance from the lot line to the nearest part of a structure.

Sexually Explicit: The displaying or depiction of sex organs during actual or simulated sexual intercourse or sexual acts as defined in 17-A MRSA Section 251.

Sign Items: Device, model, banner, pennant, insignia, flag, or other representation, which is used as, or is in the nature of an advertisement, announcement or direction.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Signs:

Free Standing:

A sign supported by one or more uprights or braces permanently affixed into the ground.

Portable:

A sign not designed or intended to be permanently affixed into the ground or to a structure.

Roof:

A sign that is attached to a building and is displayed above the eaves of such building.

Temporary:

A sign of a temporary nature, erected less than ninety (90) days, exemplified by the following: charitable signs, construction signs, carnival signs, garage sale signs, lawn sale signs, rummage sale signs, and all signs advertising sales of personal property, and for rent or for sale signs.

Signs bearing political messages relating to an election and signs advertising agricultural products shall be regulated by MRSA Title 23 §1913-A.

Wall:

Any sign painted on, or attached parallel to, the wall surface of a building and projecting there from not more than six (6) inches.

Window:

Any on-premise, non-temporary sign visible from the exterior of the building or structure which is permanently painted, attached, glued, or otherwise affixed to a window.

Area of a Sign:

The exposed surface of the sign including all ornamentation, embellishment, background, and symbols, but not including supports. The maximum size (area) of any sign is thirty-two (32) square feet on each of two sides, unless otherwise modified in this or other Town Ordinance.

Sporting Cabin: One or more cottages or structures that provide lodging for the public typically associated with a sporting or nature activity.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

Structural Terms:

Building: Any structure, maintained, or intended for use as shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any use thereof. Where independent units with separate entrances are divided by walls, each unit is a building.

Building, Accessory: A building which (1) is subordinate in area, extent and purpose to the principal building or use served, (2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building, Principal: A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

Dwelling: A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multiple family dwellings.

Dwelling Unit/Apartment: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating.

Dwelling, Single Family Detached: A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.

Dwelling, Two Family: A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other.

Dwelling, Multiple Family: A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses and row houses.

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

In-law Apartments: The portion of a home, with or without separate entrance, plumbing and cooking facilities which serves the purpose of providing living space to In-laws of the people residing in the principal dwelling. For the purpose of this ordinance In-laws is defined previously.

Structure: Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land, including a patio or deck. (See Essential Services).

Temporary Wireless Telecommunications Facility: A temporary wireless communications facility that is in operation for a maximum period of one hundred (180) days.

Transient: A non-resident person residing within the Town of Bradley less than thirty (30) days.

Tower: A building or structure typically higher than its diameter and high relative to its surroundings that may stand apart or be attached to a larger structure and that may be fully walled in or of skeleton framework. See Section 5 Land Use Performance Standards.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Accessory Use: A use subordinate to a permitted use located on the same lot, and customarily incidental to the permitted use.

Principal Use: The specific primary purpose for which land is used.

Conforming (Permitted) Use: A use that may be lawfully established in a particular district provided it conforms to all the requirements, standards and regulations of such district.

Non-Conforming Use: A use which does not conform to the provisions of this Ordinance.

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

SECTION VII: DEFINITIONS (Cont.)

B. DEFINITIONS (Cont.)

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

Warehouse and Storage Facility: A commercial structure for the storage of personal items merchandise or commodities, including bulk storage and bulk sales outlet.

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

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

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

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

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