

**TOWN OF  
PERRY, MAINE**

**PROPOSED**

**LAND USE AND DEVELOPMENT  
ORDINANCE**

Adopted July 22, 1987

## TOWN OF PERRY

### LAND USE AND DEVELOPMENT ORDINANCE

#### Section 1. PURPOSE:

To protect property owners in the TOWN of PERRY from new uses of land or buildings which would make their own property less desirable; to protect the established character and social and economic stability of the Town of Perry; to assure the orderly and beneficial development of the town; to give the people of the Town an opportunity to hear about, and comment upon, new uses of land or buildings before such use occur.

#### Section 2. AUTHORITY:

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VII – A of the Maine Constitution and Title M. R. S. A., Section 1917.

#### Section 3. APPLICABILITY:

This Ordinance shall apply to all proposals for new buildings over 100 square feet in area, and to proposals for substantial enlargement of existing buildings and to all new uses of the land, except agricultural and forest management activities.

#### Section 4. NON-CONFORMING USES:

- A. Buildings and land uses lawful at the time of adoption or amendment of this Ordinance may continue even though such uses do not conform to the provisions of this Ordinance.
- B. A non-conforming building or use may be maintained or improved, but the area in non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance.
- C. A non-conforming building or use which is removed may not be replaced unless a waiver is granted under the provisions of Section 8 of this Ordinance.

## Section 5. PROCEDURES:

- A. Before any activity to which this Ordinance applies is begun, an application shall be filed with the Planning Board for review. Within 30 days of receiving an application, the Planning Board shall notify the applicant that the application is complete or of specific additional material needed to make it complete. Application forms are available at the Town Office or from the Code Enforcement Officer.
- B. Once the application is complete, the Planning Board shall set a time and place for a meeting for considering it, and notify the applicant.
- C. The Planning Board shall send a notice of the proposal and the meeting to each owner of property abutting the applicant's property. This notice shall also be posted in the Town, and may be published in a local newspaper.
- D. The planning Board may hold a public hearing on the proposal within 30 days of receipt of the application, if it feels such a hearing will be helpful to it in considering the proposal. If requested by one or more abutters, the Board shall hold a public hearing.
- E. Within 30 days of the public hearing or 60 days of receiving the application the Planning Board shall either approve, approve with conditions, or disapprove the application. This time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

## Section 6. PERFORMANCE STANDARDS:

The applicant shall have the burden of proving that the application is in compliance with the performance standards listed below. After receipt of a complete application, the Planning Board shall approve the application, or approve the application with conditions, if it makes a positive finding based on the information presented to it that the following standards are met:

- A. **Neighborhood impact:** The development shall not have any unnecessary adverse impact upon the neighborhood, and shall not be detrimental, injurious, noxious or offensive to the neighboring properties, especially residences. The development shall have sufficient set backs, screening, fencing, plantings or open space to minimize unavoidable adverse impact upon neighboring properties.
- B. **Vehicular Access:** The proposed site layout shall provide for safe access and egress from public or private roads.

- C. **Parking:** Adequate off-road parking shall be provided. (See Section 7 paragraph B. for requirements)
- D. **Surface water drainage:** Adequate provision shall be made so that removal of surface waters will not adversely affect neighboring properties, streams, or drainage systems.
- E. **Exterior lighting:** All exterior lighting shall be designed to minimize adverse impact on neighboring properties.
- F. **Signs:** Signs shall be designed and located to minimize adverse impact upon neighboring properties.
- G. **Town services:** The development shall not have an adverse impact upon roads, fire, police, solid waste program, schools, open spaces, recreational facilities, or other Town services and facilities.
- H. **Natural environment:** The proposal has received all necessary State and Federal environmental approvals.

#### Section 7. ADDITIONAL STANDARDS:

All land use activities shall conform to the following minimal standards.

- A. **Dimensional Requirements:**
  - (1) Principal structures shall be set back no less than twenty-five (25) feet from the front lot line, and ten feet from side and rear lines. Accessory structures shall be set back no less than ten (10) feet from any boundary line.
  - (2) Principal structures shall be prohibited on lots divided after the date of this Ordinance and containing less than 30,000 square feet or less than 150 feet of road frontage. Road frontage may be reduced to 75 feet on turn-a rounds.
  - (3) Principal structures containing more than two dwelling units shall be allowed only on lots containing an additional 15,000 square feet for the third and each additional unit.
  - (4) Accessory structures shall be permitted on lots containing less than 30,000 square feet provided such structure shall have no provisions for plumbing facilities and shall contain no more than 450 square feet in total area.

- (5) Additional principal structures or uses and their accessory structures may be constructed upon a lot provided that there is at least 30,000 square feet of lot area for each, and all other requirements of this Ordinance are met.

**B. Off-Road Parking:**

- (1) At least two (2) off-road parking spaces shall be provided per dwelling unit for all residential structures.
- (2) New commercial and industrial development shall provide ample parking spaces on the premises to accommodate vehicles of employees and customers, and such spaces shall not be located closer than ten (10) feet from any lot line, and shall be designed so as to minimize backing or maneuvering in a public road.

**C. Roads:**

Roads serving new development and which may become town roads shall meet the following standards:

- (1) Roads shall be located, constructed and maintained in such a manner that erosion is minimized.
- (2) All roads shall have a right-of-way of at least 50 feet and a roadway width of at least 18 feet centered on the right-of-way.
- (3) Dead end roads must have a turn-around with a right-of-way radius of at least a paved radius of 35 feet.
- (4) Roads shall be arranged to provide for extension or connection of eventual road systems necessary to develop abutting land in future subdivisions, if any.
- (5) The grade of all roads must be at least 1% but less than 9%.
- (6) Intersections shall be as nearly as possible at right angles and shall have a curved radius between the intersecting right-of-way lines of 20 feet.
- (7) Roads shall have a 4-inch crown, 18-24 inch base.
- (8) Bituminous paving or other surface treatment may be required.

**D. Mobile Homes:**

**(1) Permanent:**

Placement or location of mobile homes shall be permitted on any lot, which meets the Minimum Lot Size requirements of this Ordinance provided such mobile homes shall be in conformance with other applicable provisions of this Ordinance.

**(2) Temporary:**

Mobile home units which must be utilized as temporary housing for construction crew, offices, or other such purposes shall not be allowed to remain in the Town of Perry but shall be removed immediately upon job completion. Such removal shall be accomplished by the person, firm, corporation, company or other such legal entity as responsible for the initial placement of such units. If they fail to do so, the Selectmen may cause said units to be removed at the expense of the party responsible for initial placement of said units.

**Section 8. WAIVERS:**

The Planning Board may modify or waive any of the Section 6 “Performance Standards” or Section 7 “Additional Standards” when it determines, in writing that because of the special circumstances of the site such standards would not be applicable or would be an unnecessary burden upon the applicant, and that such waiver would not adversely affect the abutting land owners and the general health and welfare of the Town.

**Section 9. ENFORCEMENT:**

**A. Nuisances:**

Any violation of the Ordinance shall be deemed to be a nuisance.

**B. Code Enforcement Officer:**

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record by the Planning Board.

**C. Legal Actions:**

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the Code Enforcement Officer, are authorized and directed to institute any and all actions and proceedings.

**D. Appeals:**

The Board of Appeals may, upon written application of the aggrieved party and after public notice, hear appeals from determinations of the Planning Board in the administration of this Ordinance. Such hearings shall be held in accordance with State laws. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.

**Section 10. VALIDITY AND SEVERABILITY:**

Should any section or provision of this ordinance be declared by the Courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

**Section 11. CONFLICTING WITH OTHER ORDINANCES:**

When provisions of this Ordinance conflict with the provisions of other regulations or ordinances, whichever imposes the more stringent restriction shall prevail.

**Section 12. AMENDMENTS:**

Amendments or revisions of this Ordinance may be adopted in the same manner in which it was originally enacted in accordance with Title 30, # 2153 M. R. S. A.

**Section 13. EFFECTIVE DATE:**

The effective date of this Ordinance is July 22, 1987: Copies of this Ordinance and all amendments to it shall be filed with Town Clerk and the Washington County Registrar of Deeds.

ATTEST: A true copy of an Ordinance entitled "Town of Perry Land Use Development Ordinance" as certified to me by the municipal officers of Perry in the 22<sup>nd</sup> day of July 1987

/S/ EVELYN F. POTTLE, CLERK  
Town clerk of Perry

At a Special town Meeting at Perry on July 22, 1987, which has held at the Clark School, the following article was voted on as follows:

Article 2:

Shall an Ordinance entitle "LAND USE AND DEVELOPMENT" for the Town of Perry be enacted?

Passed: Votes 25 yes 10 No.

At the annual Town Meeting on March 22, 1988, the following Article was acted upon as follows:

Article 37:

To see if the Town will vote to add the following amendments to the Land Use Ordinance in Perry.

- (1) That the Town of Perry requires all land developers to provide electric power to any and all lots in future subdivisions.
- (2) That the Town of Perry require a \$20.00 fee per lot in future subdivisions to cover administrative costs.
- (3) That the Town of Perry require all land developers to include a two (2) foot shoulder on any and all road built leading to and within future subdivisions.

PASSED: on March 22, 1988