



Town of Perry

Building and Site Review Ordinance

Adopted: *August 18, 2014*

PART 1: RESIDENTIAL BUILDING PERMIT ORDINANCE

Table of contents

<u>Section</u>	<u>Title</u>	<u>Page</u>
1.	Purpose-----	1
2.	Authority-----	1
3.	Applicability-----	1
4.	Nonconforming uses-----	1
5.	Effective Date-----	2
6.	Conflict with Other Ordinances-----	2
7.	Validity and Severability-----	2
8.	Amendment-----	2
9.	Administration and Requirements-----	2
	A. Authority-----	2
	B. Permits-----	2
	1. Permit required-----	2
	2. Requirements for Permitting-----	3
	3. Additional Requirements for Manufactured Housing	4
	4. Procedure for Administering Permits-----	4
	5. Term of Permit-----	4
	6. Permit Modification-----	4
	7. Permit Fees-----	5
10.	Erosion Control-----	5
11.	Off-Road Parking-----	5
12.	Inspections and Occupancy-----	6
13.	Enforcement-----	6
14.	Right of Entry-----	6
15.	Appeal-----	6
16.	Repeal-----	7
17.	Waivers-----	7
18.	Definitions-----	7

BUILDING PERMIT ORDINANCE OF THE TOWN OF PERRY

SECTION 1 - PURPOSE

The purpose of this ordinance is to assure compliance with existing state and local regulations governing land use and subsurface wastewater disposal; secure the comfort, convenience, safety, health and welfare of the people of the Town of Perry; and protect the environment and to promote the development of an economically sound and stable community.

SECTION 2 - AUTHORITY

This Ordinance is enacted pursuant to the Home Rule provisions of the Constitution of the State of Maine and the Home Rule and Police Power Statutes of the State of Maine.

SECTION 3 - APPLICABILITY

The provisions of this Ordinance shall apply, except as noted in A through D, to all new construction, modular homes, new and re-located mobile homes, communication towers, major reconstructions as defined in Section 17, additions, existing buildings with a proposed change to residential use, and all other relocations in the Town of Perry. This Ordinance shall apply to new structures and additions located in the Shoreland Zone.

This ordinance shall NOT apply to:

- A. Normal building maintenance such as painting, roofing, foundation repair, replacement of windows, doors, siding, flooring and minor reconstructions as defined in Section 17,
- B. Temporary structure, temporary garages, and temporary storage sheds, as defined in Section 17,
- C. Ramps solely to provide handicap access, or
- D. Accessory structures and decks with an area of less than or equal to 100 square Feet.

Questions as to the necessity of securing a permit shall be directed to the Code Enforcement Officer.

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 that is removed may not be replaced unless a waiver is granted under the provisions of Section 18 of this Ordinance.

SECTION 5 - EFFECTIVE DATE

The Building Ordinance shall supersede all former ordinances and shall become effective immediately after approval by the voters of the Town of Perry.

SECTION 6 - CONFLICT WITH OTHER ORDINANCES

Where the provisions of this Ordinance conflict with this or any other ordinance, the stricter standard shall apply.

SECTION 7 - VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared invalid, such invalidity shall not void or make invalid any other section of this Ordinance.

SECTION 8 – AMENDMENT

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the Warrant calling for such meeting.

SECTION 9 – ADMINISTRATION AND REQUIREMENTS

A. Authority - The Code Enforcement Officer shall administer provisions of this Ordinance.

B. Permits

1. Permit Required - No person shall authorize or undertake any applicable work as defined in Section 3 of this Ordinance without first obtaining a permit from the Town. All applications for permits required by this ordinance shall be made in writing. The application for permits shall be in a form as the Planning Board shall prescribe and shall contain the following:
 - a. Name, address, e-mail address and phone number of applicant
 - b. Tax map and lot number
 - c. Location of work
 - d. Whether or not proposal is within Shoreland Zone or within a Resource Protection Area.
 - e. Use of structure.
 - f. The number of bedrooms
 - g. Contractor name, address, and phone number
 - h. A sketch plan containing
 - The exterior dimensions of all proposed structures including decks
 - Distances from structures to property lines and roads, and
 - Driveway entrance locations.
 - Existing and proposed location of wells and subsurface wastewater systems
 - Parking areas

The applications shall be filed with the Code Enforcement Officer (CEO) prior to the start of any work. If the application is for work within the Shoreland Zone then the application shall be filed with the Code Enforcement Officer (CEO) and reviewed by the Planning Board. The Planning Board may act to approve the work, disapprove, or approve with conditions. A permit is valid only for the named applicant and is transferable only as originally approved, with the notification of the new owner to the CEO and approval of the CEO.

2. Requirements for permitting - The Code Enforcement Officer shall grant a building permit provided:
 - a. A driveway entrance permit has been obtained from Maine DOT for a proposed driveway entering a state road (MRSA Title 30-A, Chapter 185, §4103,3D),
 - b. A driveway application has been obtained from the selectmen for a proposed driveway entering a town road or private road in subdivisions.
 - c. Wastewater disposal is permitted, adequately sized, and meets the state plumbing code,
 - d. The building site has been inspected as required in Section 12 of this Ordinance.
 - e. Setbacks for structures - A minimum setback of 15 feet from property lines and 25 feet from the edge of the right of way of any town and state road or private road within a subdivision shall be maintained for all new structures and structure additions permitted as of the effective date of this ordinance, except setback distances for reconstructions or replacements of structures that existed prior to the effective date of this ordinance shall meet these setback distances to the greatest extent practical. Where the road right of way cannot be established, a required setback of 50 feet measured from the centerline of the traveled road shall be used.
 - f. Principal structures shall be prohibited on lots created after July 22, 1987, containing less than 30,000 square feet or less than 150 feet of road frontage.
 - g. 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.
 - h. 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.
 - i. Setbacks for subsurface wastewater disposal systems – A minimum setback of 25 feet from property boundaries shall be maintained for all new subsurface wastewater disposal systems including the leach field and septic tank. Replacement systems shall meet this setback requirement to the greatest extent practical.

- j. A building permit shall not be issued prior to obtaining required permitting from the Planning Board for Shoreland Zoning, Subdivision or Site Review, and required state and federal permitting. If the proposed construction or alteration is in conflict with this ordinance a permit shall not be issued until such conflict has been removed. A building permit shall not be issued within any subdivision that is not in compliance with all local ordinances and state laws.
3. Additional requirements for manufacturing housing - A permit to place a manufactured housing unit (as defined in Title 10 M.R.S.A. Chapter 951 §9002 and §9061) on individual housing lots, on undeveloped lots where single-family dwellings are allowed shall be issued only if the following conditions have been met:
- a. The manufactured home must have a pitched roof prior to being located on-site. A pitched roof is defined as a roof with a pitch of 2 or more vertical units for every 12 horizontal units of measurement, and which is covered with asphalt or fiberglass composition shingles or other materials.
 - b. The permit applicant provides proof of payment of property taxes on any mobile moved from another town in the municipality where the home was formerly located (MRSA, Title 30-A, Chapter 185, §4103, 3C)
4. Procedure for Administering Permits – All permit applications shall be approved or denied in writing as soon as practical but not more than ten (10) days after receiving a completed application, unless the application is within the Shoreland Zone. If within the Shoreland Zone, the application shall be filed with the Code Enforcement Officer or the Planning Board for review by the Planning Board and accompanied by a non-refundable processing fee for the application. Within thirty (30) days of the filing of an application, the Planning Board shall notify the applicant, in writing, either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed, it shall notify the applicant, in writing, and begin its review of the proposed development. Permits shall not be denied if found to be in conformance with this Ordinance except permits not issued within seven days of receiving an application are automatically denied. Permits may be subjected to reasonable conditions to insure conformity of this Ordinance and other local and state laws. If a permit is denied, the reasons for denial will be stated in writing. An appeal from any approval or denial shall be made within 30 days of the approval or denial. If approved then the applicant will be charged a Building Permit Fee.
5. Term of Permit - All building permits shall be void unless significant progress is commenced within two (2) years from the date of approval.
6. Permit Modification - Any modifications to the description or scope of the project above and beyond minimal changes shall require a revised permit application,

payment of an additional one-half of the application fee, and an updated permit prior to beginning the work.

7. Permit Fees - The Selectmen will set Permit fees for construction within the Town of Perry. The Planning Board shall make recommendations to the Selectmen. The fee structure will be reviewed annually by both bodies and posted.

Fees shall be paid to the Municipal Treasurer. If any person, including any owner, and contractor, or any authorized agent, fails to obtain any permit in accordance with the Ordinance until after the work has begun, then the fees set forth above shall be three (3) times the regular permit fee, in addition to any enforcement action that may be taken.

SECTION 10 - EROSION CONTROL

Under the authority of the Maine Erosion and Sediment Control Law (Title 38, Chapter 3 §420-C), the Code Enforcement Officer shall require erosion control measures, whenever filling, displacing, excavating or exposing soil and earthen materials will occur at the building site. All erosion control methods shall be consistent with DEP's Maine Erosion and Sediment Control Best Management Practices Manual for construction sites (DEPLW0588, March 2003) or any updated version of this document. Erosion control measures must be in place before construction and any disturbance of soil begins and must remain in place until the site is permanently stabilized.

SECTION 11 – OFF-ROAD PARKING

1. At least two (2) off-road parking spaces shall be provided per dwelling unit for all residential structures.
2. Parking spaces and Driveways 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.

SECTION 12 - INSPECTIONS AND OCCUPANCY

An inspection of the site will be made by the Code Enforcement Officer prior to issuing a building permit to assure compliance with driveway entrance distances, if applicable, and to determine the necessary erosion control measures whenever filling, displacing, excavating or exposing soil and earthen materials will occur at the building site.

Before any building can be occupied as a residential dwelling, it must have the inspection and approval of the Code Enforcement Officer to assure that:

1. There is an approved method for on-site wastewater disposal installed with a minimum of one working toilet and sink.

2. The inspections required for internal plumbing and subsurface wastewater disposal have been completed and approved by the Local Plumbing Inspector.
3. Proof is provided that all electrical wiring in a newly constructed residence has been installed or inspected by a master electrician, state electrical inspector, or an appropriate state certified electrical inspector
4. Erosion control measures are consistent with requirements stated in Section 9 of this Ordinance,
5. For structures that are going to be leased or rented, there shall be installed a permanent heat source. Smoke detection and carbon monoxide detection systems shall be installed in compliance with Maine Revised Statute Title 25, M.R.S.A.317, §§ 2464 and 2468.
6. New homeowners shall be required to place in a location visible to the road, numerals four inches (4") in height to identify the building for emergency purposes. If applicable, the mailbox of the residence will have identifying numerals on both sides of at least four inches (4") in height, and
7. Overall conditions of safety and sanitation are met.

An occupancy certificate shall be issued. Buildings occupied without the required inspection shall be subject to enforcement action as indicated in Section 13 of this Ordinance.

SECTION 13- ENFORCEMENT

The Code Enforcement Officer shall enforce this ordinance and initiate all procedures and actions through the Municipal Officers. Any person found guilty of violating any provision of this ordinance you may be subject to a fine of not less than \$100.00 for each offense nor more than \$2,500.00. Each day such violation exists shall constitute a separate offense. All fines shall be paid to the Town of Perry. Such persons shall also be liable for court costs and reasonable attorney fees incurred by the Town of Perry in the event of the necessity of such actions.

SECTION 14 - RIGHT OF ENTRY

The Code Enforcement Officer or his/her assistant, in the performance of his/her duties, may enter any building during construction for the purpose of making the inspection required by this code with proper notification to the owner(s).

SECTION 15 - APPEAL

Appeal for the decision of the Code Enforcement Officer or the Planning Board shall be made to the Board of Appeals and from the Board of Appeals to Superior Court. Such appeal shall be filed within thirty (30) days of the date of the order being appealed.

SECTION 16 – REPEAL

With the enactment of this ordinance, the Land Use and Development Ordinance of July 22, 1987 as amended is repealed.

SECTION 17 – WAIVERS

The Planning Board may modify or waive any of the Section 9 part B “Permits” 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 18- DEFINITIONS

1. Addition – A change in the existing building footprint or volume as measured from the exterior of the building.
2. Bedroom – Any room within a residential dwelling unit that has two means of egress or any room that is used or designed to be used as primarily as sleeping quarters.
3. Driveway – A vehicular access way less than five hundred (500) feet, horizontal distance, in length serving two residential dwelling units or fewer.
4. Major Reconstruction - The replacement or alteration of an existing building or part thereof, which results in an estimated fair market value of \$1000 or more for the replacement or alteration excluding normal building maintenance. The actual cost of materials may be substituted for fair market value when it is difficult to determine the fair market value.
5. Minor Reconstruction – The replacement or alteration of an existing interior or exterior part of the building, without changing the building footprint or volume, which results in an estimated fair market value of less than \$1000 for the replacement or alteration. The actual cost of materials may be substituted for fair market value when it is difficult to determine the fair market value.
6. Residential Dwelling Unit – A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time and containing cooking, sleeping, and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units.
7. Setback – The minimum horizontal distance from a lot property line or the edge of a road right of way to the nearest part of any new structure.
8. Temporary Structure, Garage or Storage Shed – A building without a permanent foundation that is primarily constructed of materials other than wood or masonry products.

PART 2: COMMERCIAL SITE REVIEW

Table of Contents

SECTION	TITLE	PAGE
I	PURPOSE	3
II	APPLICABILITY	3
III	AUTHORITY	3
IV	CLASSIFICATION OF PROJECTS	4
V	APPLICATION PROCEDURE – MINOR	4
VI	APPLICATION PROCEDURE – MAJOR	6
VII	SITE PLAN CONTENT - MINOR	8
VIII	SITE PLAN CONTENT – MAJOR	9
IX	PERFORMANCE STANDARDS - MINOR	11
X	PERFORMANCE STANDARDS - MAJOR	12
XI	PERMITS	15
XII	GENERAL PROVISIONS	15
XIII	ADMINISTRATION	16
XIV	ADMINISTRATIVE APPEALS	16
XV	VIOLATION, ENFORCEMENT, AND FINES	16
XVI	VALIDITY/SEVERABILITY/CONFLICT/OTHER	
	ORDINANCES	17
XVII	AMENDMENTS	17
XVIII	EFFECTIVE DATE	17
XIX	DEFINITIONS	17

SITE REVIEW ORDINANCE

SECTION I. - PURPOSE

The purpose of this Site Plan Ordinance is to promote public health, safety, and general welfare by requiring plans to be submitted to, reviewed, and approved by the Planning Board. The purpose of such review shall be to ensure orderly, beneficial, and environmentally sound development and the most appropriate use of land.

SECTION II. - APPLICABILITY

- A. This Ordinance shall apply to all new uses, and structures, new construction, alterations and substantial enlargement to existing uses and structures for commercial, retail, industrial, and institutional purposes. This Ordinance does not apply to detached single and two-family dwelling units, multiple family dwelling units consisting of three (3) or more units along with accessory uses and structures thereof, accessory structures within the shoreland zone, agricultural land management or forest land management practices, or home occupations, or temporary structures, temporary garages, and temporary storage sheds, as defined in Section XIX.
- B. This Ordinance shall also apply to any commercial, retail, industrial or institutional activity that commenced prior to the adoption of this Ordinance and is discontinued for more than 90 (ninety) calendar days.
- C. This Ordinance also applies to any seasonal, commercial, retail, industrial or institutional activity which commenced prior to the adoption of this Ordinance and is discontinued for more than 1 (one) year.

SECTION III. - AUTHORITY

The Planning Board is authorized to review and act on site plans for both Minor and Major developments as defined below in "Classification of Projects".

In considering Site Plans under this section, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

SECTION IV - CLASSIFICATION OF PROJECTS

The Planning Board shall classify each project as a minor or major development. Minor developments are smaller scale, less complex projects for which a less complex review process is adequate to protect the Town's interest. Major developments are larger, more complex projects for which a more detailed review process and additional information may be required.

A. Minor Developments shall include:

1. Projects involving the construction of new or additions to existing buildings or structures of fewer than five thousand (5,000) square feet.
2. Projects involving the conversion of existing uses or structures five thousand (5,000) square feet or less from one use to another.

B. Major Developments shall include:

1. Projects involving the construction or addition of five thousand (5,000) or more square feet of a building or structure.
2. Projects involving the conversion of existing buildings or structures Five thousand (5,000) square feet or more from one use to another.
3. Other projects requiring review which are not classified as minor Developments.

SECTION V. - APPLICATION PROCEDURE – MINOR

- A. Persons seeking Site Plan approval shall file site plans in duplicate (meeting the specifications of this Ordinance) with the Planning Board, which shall immediately refer copies of such plans to the Code Enforcement Officer. The filing of required plans with the Planning Board shall constitute filing of an application for Site Plan Review.
- B. The applicant shall be required to notify, by mail, all abutting property owners that a Site Plan has been filed. Return receipts will be required to verify notification of all abutting property owners.
- C. The application shall be filed with the Planning Board for review and accompanied by a fee set by the Board of Selectmen as published in the Permit Fee Schedule. Within thirty (30) days of the filing of an application, the Planning Board shall notify the applicant, in writing, either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed, it shall notify the applicant, in writing, and begin its review of the proposed development.
- D. On all Minor Site Review Applications the Planning Board may hold a public hearing within thirty (30) days of the filing of the completed application. The Planning Board shall publish the time, date, and place of the hearing at least two (2) times; the date of the first publication to be at least seven (7) days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified of the hearing and return receipts will be required to verify their notification.

- E. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30, M.R.S.A., §241 1, Subsection 3, (A), (B), (C), (D), and (E).
- F. The Planning Board may determine that it is necessary to conduct a site visit in order to obtain firsthand knowledge of the site. Written permission for members of the Planning Board and the interested public to enter the property will be necessary. Proper public notice of the site visit must be given to interested parties and abutters since the site visit is technically a meeting. The applicant shall be required to notify all abutting property owners that a site visit is scheduled. Return receipts or signed affidavits will be required to verify notification of all abutting property owners.
- G. Within thirty (30) days of the public hearing or sixty (60) days of receiving the completed application, the Planning Board shall approve, approve with conditions, or disapprove the application.
- H. Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant, in writing, of any action taken and the reason for taking such action.
- I. All time limits provided for in this section may be extended by mutual agreement of the applicant and the Planning Board.
- J. Minor changes in approved plans to address field conditions may be approved by the Code Enforcement Officer provided that such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing by the CEO on the approved plan.
- K. Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes as noted in paragraph J of this section, is subject to further review and approval.

SECTION VI. - APPLICATION PROCEDURE – MAJOR

- A. Pre-application: Prior to submitting a formal application, the applicant or his/her representative shall attend a pre-application conference with the Planning Board. The pre-application meeting shall be informal and informational in nature. There shall be no fee for a pre-application review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A.302. No decision on the substance of the plan shall be made at the pre-application conference.

There are no formal submission requirements for a pre-application conference. However, the applicant should be prepared to discuss the following with the Board:

1. The proposed site, including its location, size, and general characteristics;
 2. The nature of the proposed use and potential development;
 3. Any issues or questions about existing municipal regulations and their applicability to the project; and
 4. Any request for waivers from the submission requirements.
- B. Persons seeking Site Plan approval shall file site plans in duplicate (meeting the specifications of this Ordinance) with the Planning Board, which shall immediately refer copies of such plans to the Code Enforcement Officer. The filing of required plans with the Planning Board shall constitute filing of an application for Site Plan Review.
- C. The applicant shall be required to notify, by mail, all abutting property owners that a Site Plan has been filed. Return receipts will be required to verify notification of all abutting property owners.
- D. The application shall be filed with the Planning Board for review and accompanied by a fee by the Board of Selectmen as published in the Permit Fee Schedule. Within thirty (30) days of the filing of an application, the Planning Board shall notify the applicant, in writing, either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application.
- E. After the Planning Board has determined that a complete application has been filed, it shall notify the applicant, in writing, and begin its review of the proposed development.

- F. On all Major Site Review Applications the Planning Board may hold a public hearing within thirty (30) days of the filing of the completed application. The Planning Board shall publish the time, date, and place of the hearing at least two (2) times; the date of the first publication to be at least seven (7) days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified of the hearing and return receipts will be required to verify their notification.
- G. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30, M.R.S.A., §241 1, Subsection 3, (A), (B), (C), (D), and (E). Any public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30, M.R.S.A., §241 1, Subsection 3, (A), (B), (C), (D), and (E). Within thirty (30) days of the public hearing or sixty (60) days of receiving the completed application, the Planning Board shall approve, approve with conditions, or disapprove the application.
- H. The Planning Board may determine that it is necessary to conduct a site visit in order to obtain firsthand knowledge of the site. Proper public notice of the site visit must be given to interested parties and abutters, as the site visit would constitute a public meeting. The applicant shall be required to notify all abutting property owners that a site visit is scheduled. Return receipts or signed affidavits will be required to verify notification.
- I. Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant, in writing, of any action taken and the reason for taking such action.
- J. All time limits provided for in this section may be extended by mutual agreement of the applicant and the Planning Board. Any extensions must be documented in writing.
- K. The Code Enforcement Officer may approve minor changes in approved plans to address field conditions provided that such changes do not affect compliance with the standards or alter the essential nature of the proposal. Any such changes must be endorsed in writing by the CEO on the approved plan.
- L. Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes as noted in paragraph K of this section, is subject to further review and approval

SECTION VII - SITE PLAN CONTENT - Minor

- A. The Final Plan shall be drawn to scale of not less than one (1") inch equals (50') feet, and shall contain the following:
1. Name and address of owner and applicant.
 2. Scale and north arrow.
 3. Location, Tax Map Page and Lot Number, dimensions, and acreage of parcel to be built upon.
 4. Existing contours at intervals of not more than ten (10') feet and proposed contours at intervals of not more than five (5') feet. The Board may waive this requirement or require closer contour intervals depending on the nature of the project.
 5. The size, shape, and location of existing and proposed buildings, including those on adjacent lots.
 6. The location and dimensions of existing and proposed parking areas, loading and unloading facilities, and points of ingress and egress of vehicles to and from the site to public streets.
 7. Location of all existing and proposed easements and rights-of-way.
 8. Location and size of existing and proposed wells, water and sewer mains, septic systems, culverts, and storm drains.
 9. Location of natural features such as watercourses, and wetlands, including those on adjacent lots.
 10. Location and size of existing and proposed signs and advertising features.
 11. Any other provisions contained in the Town of Perry's Subdivision Regulations or Shoreland Zoning Ordinance, whenever applicable.
 12. Due to the nature of the project, the Planning Board may require one or more additional plan contents as specified in the "Site Plan Content – Major", Section VIII.

SECTION VIII - SITE PLAN CONTENT - Major:

- A. The Final Plan shall be drawn to a scale of not less than one (1") inch equals (50') feet, and shall contain the following:
1. Name and address of owner and applicant.
 2. Scale and north arrow.
 3. Location, Tax Map Page and Lot Number, dimensions, and acreage of parcel to be built upon.
 4. Existing contours at intervals of not more than ten (10') feet and proposed contours at intervals of not more than five (5') feet. The Board may require closer contour intervals depending on the nature of the project.
 5. The size, shape, and location of all existing and proposed buildings, including those on adjacent lots.
 6. The location and dimensions of all existing and proposed parking areas, loading and unloading facilities, and points of ingress and egress of vehicles to and from the site to public streets. Parking Layout and Design-Off-street parking must conform to the following standards:
 - (a) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
 - (b) All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by access ways not exceeding twenty-four (24) feet in width.
 - (c) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
 - (d) Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
 - (e) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

7. Location of all existing and proposed easements and rights-of-way.
8. Location and dimensions of all existing and proposed pedestrian access ways.
9. Location and size of existing and proposed water and sewer mains, culverts, and storm drains.
10. Location of all existing and proposed outdoor lighting.
11. Location of natural features such as watercourses, marshes, rock outcropping, and stands of trees, including those on adjacent lots.
12. Landscape Plan showing location and type of all existing and proposed plantings and screenings. Landscaping must be provided as part of site design and may include plant materials such as trees, shrubs, groundcovers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.
13. Location and size of all existing and proposed signs and advertising features.

Freestanding commercial business signs should be placed at right angles to the street so as to be viewed from both directions. Signs shall be no larger than 4' X 8'.

In urban, built-up areas commercial business signs should be placed on the building, unless visibility is impaired and a freestanding sign is the best option.

14. Any other provisions contained in the Town of Perry's Subdivision Regulations whenever applicable.
 15. Due to the nature of the project, the Planning Board may require one or more additional plan contents as specified in the Site Plan Content – Major, Section VIII
- B. A narrative, with supporting data, may be required to address the environmental suitability of the chosen site to support the proposed development. This may require the use of appropriate qualified professional(s). This narrative shall address the standards as listed in Section X.

SECTION IX - PERFORMANCE STANDARDS – Minor

The Site Plan shall be approved, unless the Planning Board makes a written finding that the applicant is not able to meet one or more of the following standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

1. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create no hazards to safety.

Internal Vehicular Circulation - The layout of the site must provide for the safe movement of passenger, service and emergency vehicles through the site.

2. The location or height of proposed structures and the proposed uses thereof will not be detrimental to other public or private development in the neighborhood.
3. The proposed use will not impose undue burdens so as to exceed the capacity of storm drains, water, fire protection, or other public facilities.
4. The Site Plan provides sufficient information to show that storm water will be adequately drained from the site with no adverse impact on other property or publicly-owned drainage systems.
5. Soil erosion and all other adverse impacts on the soil ground water and surface water shall be prevented. Ground water shall not be adversely impacted in quality or quantity.
6. All activities relating to ground water extraction shall also comply with any duly enacted ordinances of the Town of Perry governing such uses and activities (e.g., a water ordinance).
7. The provisions for exterior lighting do not create hazards to motorists traveling on adjacent public streets and are adequate for the safety of occupants or users of the site.
8. An applicant for Site Plan approval has provided evidence of his financial capability to complete the development as planned.
9. The proposed development will not create safety hazards and will provide adequate access for emergency vehicles to the site, and to all buildings on the site.

SECTION X - PERFORMANCE STANDARDS – Major

The Site Plan shall be approved, unless the Planning Board makes a written finding that the applicant is not able to meet one or more of the following standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

1. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create no hazards to safety and will conform to the following:

Access to the Site:

- a. Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- b. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- c. The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty feet, from the intersection.
- d. Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
- e. Access ways must be designed and have sufficient capacity to avoid a back up of entering vehicles on any public street.

Access way Location and Spacing:

Access ways must meet the following standards:

- a. Private entrance/exits must be located at least fifty (50) feet from the closest un-signalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- b. Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

Internal Vehicular Circulation

- a. The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.
- b. Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of a vehicle with

- a wheelbase of 40 feet.
- c. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
 - d. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
2. The location or height of proposed structures and the proposed uses thereof will not be detrimental to other public or private development in the neighborhood.
 3. The provision for on-site landscaping provides adequate protection to neighboring properties from detrimental features of the development. The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for screening of mechanical equipment and service and storage areas.

Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.

A development must provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where there is a need to:

- ☐ Shield neighboring properties from any adverse external effects of the development, or
- ☐ Shield the development from the negative impacts of adjacent uses.

The width of the buffer may vary depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing, or changes in grade may be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet to fifteen (15) feet in width. In suburban and rural settings, the width of the vegetated buffer should be increased to a minimum of twenty-five (25) feet. Areas adjacent to service loading or storage areas should be screened by dense planting, berms, fencing, or a combination thereof with a width of a minimum of five (5) feet.

4. The proposed use will not impose undue burdens so as to exceed the capacity of the storm drains, water, solid waste, fire protection, or other public facilities.

Storage of Materials - Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their

impact on abutting residential uses and users of public streets.

All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces, which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

5. The Site Plan provides sufficient information to show that storm water will be adequately drained from the site with no adverse impact on other property or publicly owned drainage systems.
6. Soil erosion and all other adverse impacts on the soil, ground water, and surface water shall be prevented. Ground water shall not be adversely impacted in quality or quantity. Adequate provisions must be made for the collection and disposal of all storm water that runs off from proposed streets, parking areas, roofs and other surfaces, through a storm water drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.
7. All activities relating to ground water extraction shall also comply with any duly enacted ordinances of the Town of Perry governing such uses and activities (e.g., a water ordinance).
8. The provisions for exterior lighting do not create hazards to motorists traveling on adjacent public streets and are adequate for the safety of occupants or users of the site

Exterior Lighting - The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated.

Lighting may be used which serves security, safety and operational needs provided it does not directly or indirectly produce deleterious effects on abutting properties or impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. All exterior lighting, except security lighting, must be turned off between 11 P.M. and 6 A.M. unless located on the site of a commercial or industrial use that is open for business during that period.

9. An applicant for Site Plan approval has provided evidence of his financial capability to complete the development as planned. This could include a letter of support from an accredited financial institution or some other means of documenting financial solvency.
10. The proposed development will not create safety hazards and will provide

adequate access for emergency vehicles to the site, and to all buildings on the site.

11. The proposed development will not adversely affect the use and enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.

SECTION XI - PERMITS

- A. Permits required: After the effective date of this ordinance, no person shall engage in any use or construct, alter, or substantially enlarge any structure to which this Ordinance applies without first obtaining a permit. Following the issuance of a permit, if no substantial start is made in construction (completion of the exterior shell) or in the use of the property within one year of the date of permit, the permit shall lapse and become void. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinance in effect at the time the extension is requested and all federal, state and local approvals and permits are current. The permittee's request for an extension must be received at least 30 days prior to the expiration of the permit and include explanations for the request.
- B. Permits expire for uses or structures that are discontinued for more than 90 days, unless the permittee can demonstrate that the discontinuance was for factors beyond his/her control.
- C. Permits expire for seasonal uses or structures that are discontinued for more than 1 (one) year, unless the permittee can demonstrate that the discontinuance was for factors beyond his/her control.
- D. A permit is valid only for the named applicant and is transferable only as originally approved, with the notification of the new owner to the CEO and approval of the Planning Board.

SECTION XII - GENERAL PROVISIONS

- A. The Planning Board may modify or waive any of the above application requirements or Performance Standards when the Planning Board determines that, because of the special circumstances of the site or the nature of the project, such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant, and when such waivers would not adversely affect the abutting land owners and the general health, safety, welfare, and environment of the Town.
- B. The Planning Board may require proof of ownership of the site or written authority from the owner verifying the applicant's right, title, and interest to develop the site.

- C. The Planning Board may require the filing of a Performance Bond or the execution of a conditional agreement with the municipality by the applicant.
- D. All construction performed under the authorization of a building permit or certificate of occupancy issued for development within the scope of this Ordinance shall be in conformance with the approved Site Plan.

SECTION XIII - ADMINISTRATION

- A. The Planning Board of the Town of Perry shall administer this Ordinance.
- B. No building permit or plumbing permit shall be issued by the Planning Board or Code Enforcement Officer for any use or development within the scope of this Ordinance until a Site Plan has been reviewed and favorably acted upon by the Planning Board.

SECTION XIV. ADMINISTRATIVE APPEALS

An aggrieved party may appeal any decision of the Board or the Code Enforcement Officer under this Ordinance to the Town of Perry Board of Appeals within thirty (30) days from the date of the written notice of such decision.

SECTION XV. VIOLATION, ENFORCEMENT, AND FINES

- A. Code Enforcement Officer (CEO): It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, he or she shall notify, in writing, the person(s) responsible for such violation. The notification will indicate the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, building, structure, or work being done, removal of illegal building or structure, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.
- B. Legal Action: When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the CEO, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunction of violation and the imposition of a fine that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.
- C. Fine: Any person who continues to violate any provision of this Ordinance, after receiving notice of such violation, shall be guilty of a misdemeanor subject to a fine of up to \$100 for each violation. Each day such a violation is continued is a separate offense.

SECTION XVI - VALIDITY AND SEVERABILITY AND CONFLICT WITH OTHER ORDINANCES.

- A. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
- B. Conflict with Other Ordinances: Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code, or statute, the more restrictive requirements shall apply.

SECTION XVII. AMENDMENTS

This Ordinance may be amended by a majority vote of the Town meeting. Amendments may be initiated by a majority vote of the Planning Board, or by request of the Board of Selectmen to the Planning Board, or on petition of ten (10%) percent of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a public hearing on any proposed amendment.

SECTION XVIII. EFFECTIVE DATE

The effective date of this ordinance is xxxxxxxx. The first effective date was xxxxxxxxxx. Past amendments have been accepted in xxxxxxxx.

SECTION XIX. DEFINITIONS

- A. Accessory Use or Structure: A subordinate use of a building, other structure, or land, or a subordinate building or other structure:
 - 1. Whose use is customary in connection with the principal building, other structure or use of land; and
 - 2. Whose use is clearly incidental to the use of the principal building, other structure, or use of land; and
 - 3. Which is located on the same lot with the principal building, other structure, or use of land, or on a lot adjacent to such a lot if in the same ownership.
 - 4. Is part of the same establishment.
- B. Agricultural Land Management Practices: Those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.
- C. Alteration: Structural changes, rearrangement, change of location, or addition to a building or structure other than repairs and modification in building equipment involving more than twenty-five (25%) percent

increase in the overall floor space, or bulk of the building, or structure at any time or in total since the effective date of this Ordinance.

- D. Building: Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods, or property of any kind. A building shall include a multiple family dwelling.
- E. Commercial: Connected with the buying or selling of goods or services or the provision of facilities for a fee.
- F. Discontinuance: Cessation of use.
- G. Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family including provisions for living, cooking, and eating.
- H. Forest Management Activities: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation or maintenance of land management roads.
- I. Home Occupations: Home occupation means an occupation conducted within a dwelling unit by a resident thereof which is customarily incidental and secondary to the residential use of the unit which such use does not occupy more than fifty (50%) percent of the dwelling unit devoted to living quarters, except that the area devoted to living quarters shall not be reduced below six hundred (600) square feet by this subsection; which requires no display of goods, no stock in trade, no commodity sold on the premises; not more than two (2) non-residents of the dwelling unit employed, and which does not interfere with the peace and quiet of the neighborhood. The office of a doctor or dentist shall be considered as a home occupation provided that it conforms to the restrictions set forth above.
- J. Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.
- K. Institutional: A building devoted to some public, governmental, educational, charitable, medical, or similar purpose.
- L. Multiple Family Dwelling: A building consisting of three (3) or more attached dwelling units designed and intended for long-term occupancy, rather than temporary occupancy as with a hotel or motel.
- M. Persons: Means any person, firm, association, partnership, corporation, municipal, or other local government entity, quasi-municipal entity, state agency, educational, or charitable organization or institution or other legal

entity.

- N. Recreational Vehicle: A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.
- O. Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.
- P. Seasonal: Less than or equal to seven (7) months of use.
- Q. Structure: Anything constructed, erected, or placed in or on the ground, the use of which requires location on the ground or attachment to something on the ground, including but not limited to buildings, mobile homes, recreational vehicles, piers, floats, recreation areas, and parking lots. Boundary walls and fences are not included under this regulation.
- R. Substantial Enlargement: An expansion of the land area of the development site, volume or square footage of buildings, addition of fixtures or equipment involving more than twenty-five percent (25%) increase in floor space, or the volume of activity by more than twenty-five (25%) percent, at any one time or in total since the effective date of this Ordinance.
- S. Substantial Start: Completion of thirty (30%) percent of a permitted structure or use measured as a percentage of the estimated total cost. Exterior walls and roof must be completely closed in and finish applied.
- T. Temporary Structure, Garage or Storage Shed: A building without a permanent foundation that is primarily constructed of materials other than wood or masonry products.

This Ordinance is respectfully submitted to the Selectmen of the town of Perry on 8th of May 2014 to present to the Town of Perry Citizens for approval at the next Town Meeting.

Perry Planning Board.

Gerald Morrison – Chairman

William Newcomb – Vice Chairman

H. Richard Adams

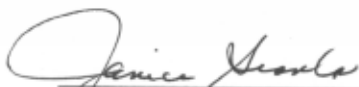
Robert Costa

Linda Newcomb

Article XX. EFFECTIVE DATE

This ordinance shall become effective immediately upon its adoption and enactment by a majority at a Town Meeting of registered voters of Perry. Any modifications of this ordinance shall be done by a majority vote at a Town Meeting.

I certify the foregoing ordinance was duly adopted at the Town Meeting dated August 18, 2014.



Town Clerk

