TOWN OF LIMERICK
ZONING ORDINANCE

MARCH 2018

DRAFT
# TABLE OF CONTENTS

| Article I | Preamble | 1 |
| Article II | Definitions | 2 |
| Article III | General Provisions | 8 |
| Article IV | Establishment of Districts | 10 |
| | Zoning Map | 11 |
| Article V | District Regulations | 12 |
| | Land Use Chart Key | 14 |
| | Dimensional Requirements | 15 |
| Article VI | Performance Standards | 16 |
| | A. Multi-Family and Two-Family Residential Bldgs. | 16 |
| | B. New Construction of Multi-Family Residential Bldgs. | 18 |
| | C. Standards for Existing Multi-Family or Two Family Structures | 19 |
| | D. Signs | 20 |
| | E. Mobile Home Parks | 21 |
| | F. Manufactured Housing | 25 |
| | G. Automobile Graveyards and Junkyards | 26 |
| | H. Parking | 26 |
| | I. Mobile Classrooms Regulations | 27 |
| | J. Communication Towers Ordinance | 27 |
| | K. Accessory Dwelling Units | 30 |
| | L. Home Occupation | 30 |
| | M. New/Used Car Lots | 31 |
| | N. Marijuana | 32 |
| Article VII | Conditional Uses | 33 |
| Article VIII | Non-Conforming Uses | 38 |
| Article IX | Enforcement | 39 |
| Article X | Board of Appeals | 40 |
| Article XI | Amendments | 47 |
| Article XII | Penalty | 47 |
| Article XIII | Saving Clause | 47 |
| Article XIV | Effective Date | 47 |
LIMERICK ZONING ORDINANCE

An ordinance to promote the health, safety and general welfare of the community by regulating and restricting the use and construction of buildings and premises in the Town of Limerick, Maine.

Article I - Preamble

In pursuance of the authority conferred by 30-A M.R.S.A. § 4351 and §4352, for the purpose of promoting the health, safety, and general welfare of, as well as efficiency and economy in the process of development in, the incorporated Town of Limerick, Maine, by:

- securing safety from fire, panic and other dangers;
- providing areas between buildings and various rights-of-way;
- preserving the amenities now attached to our town;
- promoting good civic design and arrangements;
- providing for wise and efficient expenditure of public funds;
- providing adequate public utilities and other public requirements, and by other means.

Now, therefore, the following ordinance is hereby enacted by the voters of the Town of Limerick, Maine in official meeting convened.
Article II - Definitions

For the purposes of this ordinance, terms are defined as provided in this section.

Agronomy: Agronomy is the science and technology of producing and using plants for food, fuel, fiber and land reclamation.

Automobile graveyard: An “automobile graveyard” as defined in 30-A M.R.S.A. § 3752(1), as may be amended from time to time.

Automobile recycling business: An “automobile recycling” business as defined in 30-A M.R.S.A. § 3752(1-A), as may be amended from time to time.

Base Station: The primary sending and receiving site in a Communication Tower.

Bed and Breakfast: A single-family dwelling in which lodging or lodging and meals are provided to paying guests, offering no more than ten bedrooms for lodging purposes.

Buffer: Undeveloped natural land with improvements and maintenance.

Business office: A space used to conduct the administrative affairs of an organization.

Campgrounds: Any premises used for the purpose of temporary camping for which a fee is charged.

Communication Tower: As used in this ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free-standing, guyed, or on a building.

Conditional use: A use permitted only after review and approval by the Planning Board and that would not be appropriate without review, but which, if controlled under the provisions of the Ordinance, would promote the purpose of this Ordinance.

Construction Trade: A business involved in construction, repair or demolition of residential or commercial structures and/or fixtures.

Day Care Center or Nursery School:
   A. A facility registered with or licensed by the State that provides care or instruction to more than eight (8) children or a facility registered and licensed by the State that is not located within a residence. This term may also apply to facilities which provide day care to the elderly or to adults with disabilities.
   
   B. A facility registered with or licensed by the State that provides care or instruction to eight (8) or fewer children and is located within a residence. This term may also apply to facilities which provide day care to the elderly or to adults with disabilities.
**Domestic Animal Services:** Establishments primarily engaged in providing care services, including but not limited to training and grooming (cleaning, maintaining, or clipping the appearance) of domestic animals that do not require housing or boarding of such animals.

**Duplex:** A fixed structure containing two dwelling units.

**Dwelling:** A fixed structure containing one or more dwelling units.

**Dwelling unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for one household, including provisions for living, sleeping, cooking, bathing, and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.

**Financial Institution:** A business or nonprofit organization providing retail financial services, including but not limited to banks, credit unions, financial exchanges, and check cashing facilities.

**Flea Market:** A shop or open market customarily providing tables or space rented to vendors selling antiques, used and new household goods, curios and the like.

**Forest Products Industry:** A business involved in the processing of logs, tree length timber or resawn lumber to produce a product such as lumber, firewood, chips, mulch, pellets, or sawdust.

**Frontage:** The length of the lot bordering on the public right-of-way, or in the case of land fronting on public water, the length in a straight line measured along the extreme boundaries adjacent to such public water at mean high water level.

**Front Yard:** Area of land extending for the full width of a lot between the nearest portion of a building and the nearest side of the right-of-way.

**Government/Municipal Facilities:** Any facility, including but not limited to buildings, property, recreation areas, police protection, fire protection, libraries, and municipal offices which are owned, leased or otherwise operated or funded by a governmental body.

**Grand fathered:** A lawfully pre-existing nonconforming use, structure or lot that does not conform to one or more requirements of the current ordinance.

**Hammerhead Turn:** A gravel or paved area built entirely outside of the right of way a minimum of fourteen feet by fifty feet (14’ x 50’) with fifteen feet (15’) radii for the purpose of vehicular maneuvering.

**Home Occupation:** An occupation or profession carried on within a dwelling unit or accessory structure that is clearly incidental to the use of the dwelling unit for residential purposes. Customary home occupations include, but are not limited to: hairdressing, millinery, laundering, craft-making, woodworking, preserving and home cooking, or similar uses, or the office of a doctor, dentist, lawyer, musician, teacher, architect, real estate broker, computer programmer, or member of any recognized profession. Home occupation shall also include any occupation or trade carried on or away from the premises and not requiring outside storage of an inventory,
stock in trade, or other equipment. This definition does not apply to farming and agriculture. A structure, use or activity not otherwise permitted by this ordinance shall not be permitted as a home occupation.

**Housing for the elderly:** Housing constructed or adapted specifically for occupancy by elderly persons which may include central dining facilities and the provision of supportive social services.

**Industrial:** Uses involving manufacturing, finishing, packaging or processing of goods or the extraction of minerals.

**Inn:** A single building containing fewer than 20 sleeping rooms and built or converted to accommodate, for a fee, travelers who are staying for a limited duration. An inn may provide dining services to its guests and may host special functions, such as weddings, but does not include a restaurant to serve the public at-large, unless restaurants are otherwise allowed in the zoning district.

**Junk:** “Junk” as defined in 30-A M.R.S.A. § 3901, as may be amended from time to time.

**Junkyard:** A “junkyard” as defined in 30-A M.R.S.A. § 3752(4), as may be amended from time to time.

**Kennel:** An establishment operated as a business to house dogs, cats or other domesticated animals not considered to be livestock and where such animals are groomed, bred, boarded, trained or sold.

**Manufacturing:** A use that involves the manufacture, compounding, assembly, or treatment of articles or materials.

**Manufactured Housing:** “Manufactured housing” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

**Marijuana:** As defined by 7 M.R.S.A. Sec. 2442.

**Mobile Classroom:** A self-contained building transportable in one or more sections used for the purpose of providing educational instruction to students and which may or may not be attached to another building.

**Mobile home:** A structure transportable in one or more sections which is ten (10) body feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein. Such a structure shall be certified by the United States Department of Housing and Urban Standards or by the applicable federal agency or act as described in 30-A M.R.S.A § 4358, as may be amended from time to time.
**Mobile home pad or pad:** A concrete area that has been established for the placement of a mobile or manufactured home, appurtenant structures, or addition.

**Mobile home park:** A “mobile home park” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

**Mobile home subdivision:** A “mobile home subdivision” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

**Motel:** A building or group of buildings in which lodging is offered to the general public for compensation and where entrance to rooms may be made directly from the outside of the building.

**Motor Vehicle Repair & Service Facility:** An establishment that provides service and maintenance to motor vehicles, including the accessory sale of fuel, parts and supplies. Such establishments include service stations; muffler, transmission and brake shops; car washes; tune up centers; painting and auto body work shops; and establishments performing engine rebuilding or structural repairs and alterations to motor vehicles.

**Multi-family residential building:** A building or portion thereof principally designed, adapted, or composed of three or more dwelling units.

**Non-conforming use:** A building or structure or the use of land, buildings or structures lawfully existing at the time of enactment of this ordinance, or any amendment thereto, that currently does not conform to the regulations of the district in which it is situated.

**Nursing Home:** A facility licensed by the State that provides skilled nursing care and medical supervision to persons who are unable to care for themselves.

**Older mobile homes, trailers:** Terms used interchangeably that mean any factory-built home that fails to meet the definition of “manufactured housing” above and, more specifically, any mobile home constructed prior to June 15, 1976.

**Permanent foundation:** A “permanent foundation” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

**Personal Services Establishment:** An establishment primarily engaged in providing services involving the non-medical care of a person or of his or her apparel. Such establishments include but are not limited to beauty shops, barber shops, shoe repair shops, photographic studios, coin-operated laundries, fitness studios, and similar establishments.

**Pitched, shingled roof:** A “pitched, shingled roof” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

**Processing Facility:** A facility that prepares or packages and sells beef, poultry, fish products, vegetables, fruit etc.
**Recreation Facility, Indoor:** A building or portion of a building designed and equipped for the conduct of indoor sports, leisure time activities and other customary and usual recreational activities. Such facilities include, but are not limited to, skating rinks, gymasia, bowling alleys, and video arcades.

**Recreation Facility, Outdoor:** A facility offering outdoor recreation activities including, but not limited to, cross country ski centers, ball fields, parks and playgrounds, livery, and ski tows, but not including campgrounds, outdoor movies, and outdoor dine and dance facilities, or games and activities as described in the definition of amusements.

**Repeater:** A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a Base Station.

**Retail Business:** An establishment that sells goods or commodities directly to the consumer. For the purposes of this Ordinance, the term retail business shall include sales rooms or showrooms.

**Right-of-Way:** The easement encompassing an existing or future public or private road.

**Road, Private:** A road or way that is privately maintained. A private road shall receive no Town services, such as snowplowing, grading, paving or other maintenance.

**Road, Public:**
A. An existing accepted state, county or Town way;
B. A road dedicated to public use and shown upon a plan approved by the Planning Board and recorded in the York County Registry of Deeds;
C. A road dedicated for public use and shown on a plan recorded in the York County Registry of Deeds prior to the establishment of the Planning Board.
D. Does not include those ways which have been discontinued or abandoned.

**Seasonal residence:** Buildings used for seasonal residence only, including camps and cottages, that are structurally permanent and occupied less than six (6) months in any one twelve (12) month period.

**Single-family residence:** A fixed structure containing one dwelling unit.

**Structure:**
Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, anything constructed or erected on or in the ground, exclusive of:
A. Fences;
B. Poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors;
C. Mailboxes;
D. Light fixtures;
E. Flagpoles;
F. Equipment or structures necessary for the purpose of making a dwelling accessible to a person with a disability, as defined by this chapter;
G. Subsurface wastewater disposal systems as defined in 30-A M.R.S.A. §4201, Subsection 5;
H. Geothermal heat exchange wells as defined in 32 M.R.S.A. §4700-E, Subsection 3-C; or
I. Wells or water wells as defined in 32 M.R.S.A. §4700-E, Subsection 8.

The term "structure" includes structures temporarily or permanently located, including, but not limited to, decks, satellite dishes, or portable storage garages.

**Transportation Service:** A business engaged in the movement of goods and materials, including a for-hire service. Such businesses include, but are not limited to, the transportation of logs, sand & gravel, produce, freight and passengers.

**Two-family residence:** A fixed structure containing two dwelling units, also known as a duplex.
Article III - General Provisions

A. No owner or occupant of property in any District shall permit fire-damaged buildings beyond repair or other ruins to remain, but shall remove the same within one (1) year.

B. Any uses that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse matter, fumes, noise vibrations, light, glare or similar conditions, that would be considered dangerous or a nuisance, disturbance or annoyance are prohibited.

C. Nothing in this ordinance shall be construed to prevent the storage of agricultural equipment in any zone or for the shelter of riding horses for non-commercial recreational uses in any zone, provided that at least one-half acre of open space is available adjacent to the buildings.

D. Subdivisions shall be regulated by the Town of Limerick, Maine Planning Board Standards for Reviewing Land Subdivision and by 30-A M.R.S.A. §§ 4400 – 4408.

E. No permit for the erection of any building shall be issued unless there exists a street or road giving access to such proposed structure. Before such permit shall be issued, such street or road be improved to the satisfaction of the Road Commissioner and the Planning Board in accordance with the applicable design and construction standards and specifications of the Town of Limerick. Alternatively, and at the discretion of the Planning Board, a performance bond sufficient to cover the full cost of such improvement as estimated by the Road Commissioner may be furnished to the Town by the owner. Such performance bond shall be issued by a bonding or Surety Company approved by the Road Commissioner and shall also be approved by the Road Commissioner as to form, sufficiency and manner of execution. A satisfactory letter of credit from a financial institution may be substituted for a performance bond.

Where the enforcement of the provisions of this section would entail unnecessary hardship, or where the circumstances of the case do not require the structure to be related to the existing or proposed streets, roads or highways, the applicant for such a permit may appeal from a decision of the Building Inspector, and the same provisions for the grant of a variance shall be applied by the Board of Appeals in considering the appeal. The Board of Appeals may, in considering such appeal, impose any reasonable conditions that will protect any future street, road or highway layout. For the purposes of this section, the term “access” shall mean that the lot upon which such structure is proposed to be erected directly abuts on a street or road and has sufficient frontage thereon to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, and the frontage requirements of this ordinance shall presumptively be sufficient for that purpose.
F. As determined by the Limerick Planning Board, all fees and costs to the Town associated with the Board’s review of an application or proposal will be charged to the applicant.

G. Land susceptible to flooding or with slopes of greater than 20%, 100-year frequency floodplains as identified by authorized State and federal authorities and land not suitable for development because of soil characteristics, i.e. hydric soils, which may also be hazardous to life, health or property shall not be accepted as part of a proposed subdivision or to meet minimum lot size requirements.
Article IV - Establishment of Zoning Districts

For the purpose of this ordinance, the Town of Limerick, Maine is divided into districts as shown on the zoning map filed with the Town Clerk and dated November 5, 2013, as subsequently amended, and including the following:

A. Residential District (Res)
B. Lake District (LD)
C. Arrowhead Residence District (LA)
D. Residence, Farm and Forest District (RF&F)
E. Business District (Bus)
F. Business/Industrial District (B/I)
Article V - District Regulations

A. In each district, uses and conditional uses shall be those shown on the following table:

KEY: P = Permitted   C = Conditional Use   NP = Not Permitted

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Res</th>
<th>RF&amp;F</th>
<th>Bus</th>
<th>B/I</th>
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<th>Arrowhead Residence (LA)</th>
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<td>P</td>
<td>P</td>
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</tr>
</tbody>
</table>

* Definition provided in Article II.

** these uses are not allowed as principal or accessory uses
Key for Land Use Chart

1. Requires permit from Selectmen.
2. An area of 200 162 square feet (including a bay measuring 10’ X 20’ 9’ x 18’) shall be considered sufficient for each automobile parking space. Parking areas with more than 2 parking spaces shall be so arranged that it will be unnecessary for vehicles to back into the street. Each parking space shall be accessible when all other spaces are filled.
3. Any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one parking space for each 200 162 square feet of building floor area used for business.
4. Minimum lot area of 22,500 square feet.
5. Lot of Record: A lot shown on the plan entitled: Plan of Lake Arrowhead Estates, Section 1, Prepared by Wright, Pierce, Barnes and Wyman, and recorded in the York County Registry of Deeds in Plan Book 50, Page 12, that has been in separate ownership and has not been contiguous with any other lot under the same ownership at any time since the date of recording of that plan. If two or more contiguous lots are in the same ownership of record, they shall be considered to be a single parcel and shall not be divided except in compliance with the requirements for new lots, except that contiguous lots under the same ownership, each of which was improved with existing principal residential structure prior to July 1, 2013 and does not separately meet the lot requirements for new lots, may be divided without a variance, provided that the improved lots are divided in a manner that meets the other applicable dimensional requirements to the greatest extent possible as determined by the CEO.
6. Agronomy permitted
B. Dimensional Requirements.
All lots created and buildings erected after the effective date of this ordinance shall meet the following minimum requirements.

<table>
<thead>
<tr>
<th>District:</th>
<th>Minimum Lot area (Sq. ft.)</th>
<th>Minimum Road Frontage (feet)</th>
<th>Minimum Front Setback (feet)</th>
<th>Minimum Side Setback (feet)</th>
<th>Minimum Rear Setback (feet)</th>
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<tr>
<td>Residential:</td>
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<tr>
<td>On public water and sewer</td>
<td>22,500</td>
<td>100</td>
<td>15</td>
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<td>20</td>
</tr>
<tr>
<td>On site water and/or sewer</td>
<td>62,500</td>
<td>175</td>
<td>15</td>
<td>10</td>
<td>20</td>
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<tr>
<td>Lake District</td>
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<tr>
<td>Year Round –on site water</td>
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<td>On public water and sewer</td>
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<td>175</td>
<td>15</td>
<td>10</td>
<td>20</td>
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<tr>
<td>On site water and/or sewer</td>
<td>62,500</td>
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<td>Business:</td>
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<td>100</td>
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<td>20</td>
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<tr>
<td>On site water and/or sewer</td>
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<td>175</td>
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<td>On public water and sewer</td>
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<td>100</td>
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<td>20</td>
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<tr>
<td>On site water and/or sewer</td>
<td>65,500</td>
<td>175</td>
<td>25</td>
<td>10</td>
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</table>
Article VI - Performance Standards

A. Multi-family and Two-family Residential Buildings, New and Existing

The following provisions shall apply to all multi-family and two-family residential buildings except as noted:

Review of multi-family and two-family residential buildings:

i. When a conditional use permit is required, review is under the Limerick Zoning Ordinance, including the conditional use provisions. Multi-family residential buildings will also be reviewed under the Planning Board Standards for Reviewing Land Subdivision.

ii. When a permitted use, review is under the Limerick Zoning Ordinance, excluding the conditional use provisions. If the proposed use is one or more multi-family buildings, review will also be under the Planning Board Standards for Reviewing Land Subdivision.

iii. Financial ability to construct a new multi-family or two-family residential building or to convert an existing structure into a multi-family or two-family residential building shall be proven at the sketch plan phase of application.

1. Site Plan. All applicants shall submit a site plan to the Planning Board at a scale of not more than 1” - 20’ showing locations of principal and accessory structures, location and layout of parking, driveways, all turn radii, and road intersection radii, provisions for snow and rubbish removal, buffering, screening, and surface drainage, and provisions for playground, recreation or open space. If the complete site cannot be shown on one plan at this scale, then an additional plan at scale 1” - 50’ shall be submitted. A site location map at a scale of not more than 1” - 500’ shall also be submitted.

2. Fire Safety. All multi-family residential buildings shall be located within five hundred (500) feet of an NFPA hydrant, as hose is laid on the street from the hydrant, and shall be sprinklered in accordance with NFPA standards and furnished with an NFPA approved fire alarm system.

3. Surface Water Runoff. Surface water runoff shall be minimized and detained on-site if possible and practicable. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by the project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained to the extent possible.

4. Lighting. Outdoor lighting shall be positioned and/or shielded in order to deflect bright light or glare away from neighboring residential properties.
5. Maintenance; etc. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance.

6. Parking. Multi-family or two-family-residential buildings shall not be constructed or enlarged (in terms of adding dwelling units) unless one paved off-street car parking space is provided for each bedroom-, except that one paved car parking space shall be required for each dwelling unit within designated housing for the elderly.

An area measuring 10’ feet x 20’ feet 9’ x 18’ shall be considered sufficient for each automobile parking space. Parking areas with more than two (2) parking spaces shall be so arranged that it will be unnecessary for vehicles to back into the street. Each parking space shall be accessible when all other spaces are filled. Parking spaces shall be provided as required, and made available for use before a final inspection is completed by the Building Inspector. An extension of one year may be granted by the Building Inspector, provided a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the Building Inspector and provided the parking space is not required for immediate use. In the event the improvements are not completed within the specified time, the bond or its equivalent shall be forfeited and the improvements henceforth constructed under the direction of the town.

7. Accessory Buildings. Garages or other accessory buildings shall not be located between the multi-family or two-family residential buildings and the front lot line. Accessory buildings shall be located so as not to inhibit the access of emergency vehicles and fire apparatus to any side of a residential building.

8. Access. The proposed development shall provide for safe access to and from public and private roads.

a. Safe access shall be assured by providing an adequate number and location of access points with respect to sight-distance, intersections, schools and other traffic generators. No off-street parking area shall have more than two (2) openings onto the same street, each opening not to exceed twenty-four (24) feet in width.

b. All corner lots shall be kept clear from visual obstructions higher than three (3) feet above ground level, for a distance of twenty-five (25) feet measured along the intersecting street lines.

c. The proposed development shall not have an unreasonable adverse impact on the town road system, and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and by providing adequate parking and turn-around areas.
9. Buffers. All buffer areas shall be maintained in a tidy and sanitary condition by the property owner.

10. Recreational Space. An additional 7,200 sq. ft. of open space shall be added to the land requirements for every ten (10) bedrooms. This land shall be set aside for recreational space with a finish grade between 1.5% to 3%. Arrangements for maintenance shall be specified on the plan or in a separate document for review and approval by the Planning Board.

B. New Construction of Multi-Family or Two-Family Residential Buildings.

The following additional standards shall apply to all new construction of multi-family or two-family residential buildings:

1. Dimensional standards.
   a. A maximum of four dwelling units shall be permitted in any single building.
   b. Lot size shall be the larger of: 85,000 sq. feet or 6,000 sq. ft. per bedroom for each dwelling unit. Buffers, easements, right-of-ways, designated recreational open spaces and other land not suitable for development shall not be used in the above calculation.
   c. The maximum height of new construction shall be thirty-five (35) feet from the average grade of the grounds at the foundation.
   d. Front, rear and side setbacks shall be forty (40) feet minimum and include a twenty (20) foot buffer. If the front setback is increased to provide parking area, the width and landscaping of a front buffer shall be negotiated with the Planning Board.
   e. Structures containing multi-family or two-family dwelling units shall be located at least fifty (50) feet apart from each other, and fifty (50) feet from structures on adjacent lots.

2. Parking. Required off-street parking for all new construction shall be located on the same lot as the principal building or facility or within one hundred (100) feet measured along lines of access as defined in Article III(E).

3. Orientation. New multi-family or two-family residential buildings shall be orientated with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with the overall plan for site development landscaping.
4. Erosion Control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following soil and water conservation “best-management” practices.

a. Stripping of vegetation, soil removal, and regrading or other development shall be minimized as far as is practicable, and shall be done in such a way as to minimize erosion.

b. The duration of exposure of the disturbed area shall be kept to a practical minimum.

c. Adequate vegetation and/or mulching shall be used to protect exposed critical areas during prolonged development.

d. Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods.

e. During grading operations, methods of dust control shall be employed.

C. Standards for Existing Multi-Family or Two-Family Structures.

The following additional standards shall apply to the proposed uses of an existing structure as a multi-family or two-family residential building.

1. Dimensional standards.

a. Side and rear lot-line setbacks shall be twenty-five (25) feet, and the front setback shall be ten (10) feet.

b. The maximum number of dwelling units to be permitted within a multi-family residential building shall be determined by the available land area for open space and parking but shall not exceed four.

2. Parking. Where residential off-street parking cannot reasonably be provided on the same lot, the Planning Board may authorize its provision on another lot within three hundred (300) feet of the existing structure. Such parking areas shall be held under the same ownership as the residential uses served, and shall be permanently dedicated to such use with a recordable document acceptable to the Planning Board.
D. Signs.

1. Signs relating to goods and services sold on the premises shall not exceed thirty-two (32) square feet in area, and shall not exceed two (2) signs per premises. Two-sided signs shall be considered as two separate signs.

2. Signs relating to goods and services not rendered on the premises require a permit issued by the CEO. Such signs must comply with all applicable provisions within Article VI.D.

3. Signs related to agricultural sale of products on and off premises are governed per MRSA, Title 23, Section 1913-A, Paragraph 2g.

4. Name signs shall be permitted, provided such sign shall not exceed two (2) signs per premises.

5. Residential users may display signs not more than four (4) square feet in area relating to the sale, rental or lease of the premises.

6. Signs relating to trespassing and hunting shall be permitted without restriction as to number, provided that no such sign shall exceed two (2) square feet in area.

7. No sign shall extend higher than twenty (20) feet above the ground.

8. Signs may be illuminated only by shielded, non-flashing lights.

9. No sign shall obstruct or impair the vision of vehicular and pedestrian traffic or otherwise constitute a hazard. No sign shall reduce the sight distance from any driveway, road or street below a distance of ten (10) feet for every mile per hour of the posted speed limit. Sight distance shall be measured from the driver’s side of an exit lane ten (10) feet behind the curb or edge of shoulder line with the height of the eye ranging from three point-five (3.5) to six (6) feet above the pavement.

10. The following non-illuminated signs are permitted in all districts without a permit:
   a. Signs for the control of traffic, street signs, signs indicating danger;
   b. Signs identifying public schools and government buildings;
   c. Political signs of less than twenty (20) square feet relating to an election, primary or referendum provided that these signs may be erected no more than six (6) weeks before voting day, and must be removed no later than one (1) week thereafter;
   d. One (1) contractor’s sign up to six (6) square feet is allowed on a property on which the contractor is performing work. The sign may identify the
contractor’s name, address, and a phone number. A contractor’s sign shall be removed within twenty (20) days of the completion of the job.

11. The following signs are permitted in all districts upon obtaining a sign permit from the Code Enforcement Officer:
   a. One (1) sign not exceeding twenty (20) square feet in area at each entrance from a street to identify a residential subdivision or multi-family development;
   b. One (1) sign not exceeding twenty (20) square feet in area, which identifies a building such as a school, fire station, church or business other than a home business;
   c. One (1) freestanding, one or two sided, sign not to exceed twenty-five (25) square feet shall be allowed on a lot;
   d. One (1) building mounted sign not to exceed ten (10) square feet may be mounted on each building face having a customer entrance;
   e. One (1) free-standing sign, either one or two-sided, not to exceed fifty (50) square feet may be located at the entrance road to an industrial park or business subdivision for the identification of the park and its occupants;
   f. Frame or trailer mounted signs are allowed for one hundred twenty (120) consecutive days once a year.

12. Variances from these provisions may be granted by the Board of Appeals only in cases where the sign or signs in question have cultural or historic significance, and aesthetically enhance the appearance of the Town of Limerick.

E. Mobile Home Parks

1. Licenses:
   a. No person, firm or corporation shall establish or maintain a mobile home park within the town of Limerick without a license issued in conformity with the provisions of this Ordinance. A mobile home park existing prior to the adoption of this Ordinance is required to conform only with the licensing and fee requirements of this Ordinance, unless it has been commercially inactive for two (2) or more years in which case all the relevant provisions of this Ordinance must be met before a license may be issued. All new extensions to mobile home parks shall be required to meet the provisions of this Ordinance. Any increase in the number of mobile home lots shall be deemed an “extension” of said use, even if the outer boundaries of the premises are not proposed to be enlarged.

   b. Application for a mobile home park license shall be filed with the Planning Board for review as a subdivision, except that applications for license renewals are not subject to Planning Board review. The Planning Board shall review plans of the proposal and approve, approve with conditions, or deny
approval of the proposal on the basis of standards contained herein and as contained in the Subdivision Regulations of the Planning Board. The Planning Board shall inform the Selectmen of its decision in writing and they shall act on the application.

c. Each application for a mobile home park license shall be accompanied by a fee of one hundred dollars ($100.00). Each application for a license renewal shall be accompanied by a fee of twenty-five dollars ($25.00). Each such license shall expire on the last day of April next following the date of issuance. Before any license shall be renewed, the premises shall be inspected by the Health Officer and the Selectmen. If they find that all requirements of this and other Town and State Ordinances and Laws have been complied with, they shall certify the same, and the Selectmen shall issue the license.

d. Such licenses shall be posted at all times at the mobile home park entrance or office and shall not be transferable.

e. Upon receipt of a written request from either the Health Officer or the Selectmen, the Planning Board is authorized to revoke any license issued pursuant to the terms of this Ordinance if, after due investigation, they determine the holder hereof has violated any of the provisions of this or any applicable code, law or statute.

2. Density of Development

a. The area of a mobile home park shall have provision for at least ten (10) mobile homes.

b. Each mobile home park shall contain lots measuring 100’ roadside by 200’ depth, exclusive of roads and open spaces.

3. Utility Services and Site Management

a. Sanitary Facilities: All provisions of the Maine Department of Human Services, Division of Health Engineering, must be met in planning of sanitary facilities.

b. Solid Waste Disposal: The management shall dispose of refuse at least once a week.

c. Streets and Parking:
i. All roads shall be constructed to the standards contained in the Limerick Subdivision Standards, except that the paved width of the roads shall be 30’ including sidewalks at the same level.

ii. There shall be at least two (2) off-street parking spaces for each mobile home lot.

d. Underground Utilities: All electrical, telephone, or cable television distribution lines shall be installed underground. Electrical lines shall be buried to a minimum depth of twenty-four (24) inches, and telephone and cable television lines shall be buried at least eighteen (18) inches.

4. Construction Standards:

Mobile home parks shall be constructed and installed in accordance with the following minimum standards and in accordance with all sections of this Code Ordinance. Mobile home parks shall provide specific areas for the location and development of mobile homes, as defined in this Ordinance:

a. Pads: Each pad or stand, for foundation purposes, shall consist of reinforced concrete sufficiently adequate to support the weight of a mobile home without movement due to frost heaving or settling. Suitable tie-downs shall be installed and secured to each mobile home.

b. Sewage Disposal: Each pad shall be equipped with a three (3) inch inside diameter sewage line extending at least six (6) inches above the pad and being capable of being securely sealed when not in use. Sewage systems must conform to the Plumbing Code and the MRSA.

c. Water Supply: Each individual mobile home stand shall be provided with a five (5) foot deep manhole three (3) feet in diameter, containing a 3/4” water pipe with an adequate shut-off valve. If an adequate public supply of water is available within eight hundred (800) feet of a mobile home park, such supply must be used, subject to an engineering feasibility study. If no public water supply is available, a central water system must be provided by the owner. Water systems shall be capable of delivering two hundred fifty (250) gallons per day per lot.

d. Electricity supply: The park electrical system or electrical equipment shall comply with all applicable state standards and regulations.

e. Telephone: Each mobile home space shall be equipped with a telephone outlet.
f. Street Lighting: Adequate street lights shall be placed and maintained along all roads every two hundred (200) feet, beginning at the entrance.

g. Oil and Gas: All oil tanks shall be furnished and placed underground by the park owner. All gas tanks shall be securely fastened.

h. Screened Storage: The licensee shall provide a separate screened storage area for the storage of major items or equipment owned by the tenants, such as boats, trailers, snowmobiles, etc.

i. Fire Protection: A mobile home park shall provide suitable ingress and egress so that mobile homes may be readily serviced in emergency situations. An adequate source of water for fire protection shall be available at all times of occupancy.

5. Individual Mobile Home Spaces

a. Where rear abutments of units are closer than sixty (60) feet, vegetation or other screening at least eight (8) feet in height shall be provided, and sites should be oriented to natural features, topography and drainage areas where appropriate.

b. Each mobile home shall be skirted with fire resistant materials. All materials shall comply with the Fire Code of the State of Maine.

c. All outside storage sheds shall be capable of being closed, shall be placed toward the rear of lots, and may be used as a screening device.

d. All skirting, plus one storage shed, measuring a minimum of eight (8) feet by six (6) feet per site, shall be of uniform conventional construction materials.

e. All cabanas, carports, porches, extra rooms and other attached accessory structures shall comply with current zoning regulations.

f. All mobile homes and structures on separate lots shall be no closer than fifty (50) feet at any point. All mobile homes shall be set back at least fifty (50) feet from the street right-of-way.

6. Occupancy:
   No portion of a park shall be occupied until at least one-quarter of the mobile home spaces proposed in the mobile home park have been fully developed and are ready for use.

7. Open Space and Recreation Requirements:
A mobile home park shall contain a minimum of one-half space or 10,000 square feet of open space per ten (10) lots.

8. Responsibilities of Licensee:
The licensee of a mobile home park shall be responsible for operating his or her respective park in accordance with all Town codes and ordinances and all State laws and regulations. The licensee shall be responsible for the maintenance of all open space areas, facilities, roads and utilities in a park, proper placement and stability of mobile homes, installation and hook-up of all utilities and skirting, and the plowing and maintenance of all roads and driveways within the mobile home park.

F. Manufactured Housing.

1. Purpose
   
The purposes of this section are to establish minimum standards for the placement of manufactured housing in accordance with the provisions of Title 30-A MRSA, Section 4358, “Regulation of Manufactured Housing,” to restrict the location of older mobile homes and trailers, to require that manufactured housing (the newer mobile homes and single-wide modulars) be compatible with site-built homes, and to provide opportunities for the location of affordable and safe housing within the community.

2. Permit Requirements
   
No person, firm, corporation or other legal entity shall locate a manufactured home in the Town of Limerick, or move a manufactured home from one lot or parcel of land to another, without a permit from the Building Inspector. The Building Inspector shall issue the permit within seven (7) days of receipt of a written application and submission of proof that the manufactured home meets the requirements of this Ordinance.

3. Prohibitions
   
No person, firm, or corporation or other legal entity shall locate, or move from one lot or parcel of land to another, an older mobile home, trailer, or manufactured home which fails to meet the requirements of Article VI.F.5, except in a mobile home park.

4. Non-Conforming Structures
   
Older mobile homes and trailers, and manufactured homes which fail to meet the standards set forth in Article VI.F.5, which were lawfully established prior to the effective date of this Ordinance, shall be considered non-conforming structures and may continue and may be maintained, repaired, improved and expanded. No non-conforming structure may be moved to another lot or parcel in the Town of
Limerick, and no non-conforming structure may be replaced by another non-conforming structure but shall be replaced by a manufactured home that meets the requirements of this Ordinance. A non-conforming structure may be moved to a different location on the same lot or parcel of land.

5. Manufactured Housing Standards

All manufactured housing located in the Town of Limerick shall be at least fourteen (14) feet in width, shall contain at least seven hundred fifty (750) feet of living space, shall have a pitched, shingled roof and siding that is residential in appearance, and shall have a permanent foundation or pad. The foundation may include a poured or block frost wall, a paved pad and skirting material, or a full basement.

G. Automobile Graveyards, and Junkyards

No automobile graveyard or junkyard shall be maintained in the Town of Limerick except in accordance with the Limerick Zoning Ordinance, 30- A M.R.S.A. §§ 3751-3760 and any applicable State of Maine rules. The following additional provisions apply:

1. No structures or equipment shall be located within fifty (50) feet of any property line, public way, or within two hundred (200) feet of any dwelling not on the premises.

2. The use of burning torches for repair or dismantling of vehicles shall be confined to non-combustible floors in enclosed buildings, or in the open, only upon areas cleared of all vegetation and other combustible materials.

3. A buffer of plantings not less than fifteen (15) feet in depth shall be permanently maintained as a visual barrier to conceal salvage operations, and dismantled or stored vehicles from view of any dwelling or public right-of-way. Such vegetative screen shall have a mature height of not less than fifteen (15) feet. The Planning Board may require the planting of evergreen species. The Planning Board may require construction of an eight (8) foot high wooden fence, which shall blend harmoniously with its environs, in such cases where vegetation is not feasible, desirable or effective.

4. The proprietor of any such facility shall apply for renewal of his conditional use permit every two (2) years. Failure to comply with the provisions of this ordinance, as interpreted by the Planning Board, shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.

H. Parking

In the Business District, any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one (1) parking space for each two hundred (200) one hundred sixty two (162) square feet of building floor area used for business.
The purpose of this ordinance is to control and regulate parking of motor vehicles on Main Street, Limerick. The following provisions shall apply:

1. Parking by any motor vehicle in the same spot for more than two hours is prohibited.
2. Parking by any motor vehicle weighing more than ¾ tons in the same spot for more than thirty minutes is prohibited.
3. Stopping or standing, especially by delivery vehicles, in the travel lanes of Main Street is prohibited.
4. Wrong parking, that is parking facing opposite the direction of travel of that side of the street, is prohibited.

The area covered by this ordinance is all of route 5, Main Street, between the Old Baptist Church and the Free Baptist Church.

I. Mobile Classrooms Regulations:

Mobile Classrooms will not be allowed in the municipality which do not provide the following within the classroom:
1. A restroom
2. Drinking water
3. A temperature controlled environment.

All Classrooms must be equipped with:
4. * An emergency fire warning system
5. * Fire extinguishers
6. * A communication system that operates in conjunction with the main building.

All mobile classrooms must be placed on a concrete slab and enclosed within the school area by a fence.

J. Communication Towers Ordinance

1. Purpose and Intent:

It is the express purpose of this ordinance to minimize the visual and environmental impacts of Communication Towers. It is the intent of this ordinance to be consistent with the State and federal law, particularly the Telecommunications Act of 1996 in that:
   a. It does not prohibit or have the effect of prohibiting the provision of Communications Towers;
   b. It is not intended to be used to unreasonably discriminate among providers of functionally equivalent services;
c. It does not regulate Communication Towers on the basis of the environmental effect of radio frequency emissions to extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions; and
d. It must comply with Article VII Conditional Uses when applicable per Article V District Regulations.

2. Dimensional Requirements:

Height: Communication Towers shall be permitted to a maximum height of two hundred feet (200’) above ground level (AGL) unless limited by Federal Aviation Administration in and around existing airports.

3. Setbacks:

New Communication Towers shall be set back:
   a. at least one (1) times the height, plus fifty feet (50’) from all boundaries of the site on which the facility is located; and
   b. at least three hundred feet (300’) horizontally from any existing dwelling units.

4. Visual Buffer:

A screen of plantings not less than twenty feet (20’) in depth shall be permanently maintained as a visual barrier to conceal Communication Towers’ ground operations from view of any dwelling or public ways. Such vegetative screen shall have a planting height of at least ten feet (10’) or more and a mature height of not less than thirty feet (30’) unless there is a natural wooded forest to meet these requirements.

5. Lighting:

   a. No external lighting is permitted, except for manually or motion-sensor operated lights for use only when operating personnel are on site.
   b. Tower lighting is permitted if required by Federal Aviation Administration.

6. Fencing:

Security fencing shall be installed by the owner operator of any freestanding tower and shall be erected around the base and all accessory structures. All anchor points of the guy wires of a guyed tower shall also be fenced. Minimum fence height of eight feet (8’) tall required.

7. Co-location:

Licensed carriers shall share Communication Tower and sites where feasible and appropriate, thereby reducing the number of Communication Towers that are stand-alone
facilities. All applicants for Communication Tower shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

a. A survey of all existing structures that may be feasible sites for co-locating Communication Towers facilities.
b. Contact with all the other licensed carriers for commercial mobile radio services operating in the County.
c. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and
d. Personal Cell Service (PCS) Coverage maps are required.

8. Radio Frequency Radiation (RFR) Monitoring:

After the Communication Towers is operational, the applicant shall submit to the Town of Limerick, within ninety (90) days of beginning operations, and at annual intervals from the date of issuance of the permit, existing measurements of RFR from the Communication Towers. Such measurements shall be signed and certified by a Radio Frequency engineer, stating that RFR measurements are accurate and meet Federal Communications Commission Guidelines.

9. Inspection:

Inspection of communication towers by a licensed structural engineer shall be required to ensure structural integrity. Such inspections shall be at the owner’s expense and required as follows:

a. All towers—upon completion of construction.
b. Monopole towers—at least once every ten (10) years.
c. Self-support towers—at least once every five (5) years.
d. Guyed towers—at least once every three (3) years.

The inspection report shall be provided to the Town of Limerick within thirty (30) days of its receipt by the tower owner. Based upon results of the inspection the Town may require the repair or removal of the communication tower.

10. Removal:

a. Any Communication Towers which ceases to operate for a period of eighteen months shall give a letter of intent of future operations to the Town of Limerick or be removed at the expense of the applicant and/or its assigns.
b. A Removal Bond to the Town of Limerick of sufficient funds to remove and dispose of the entire facility shall be required for the duration of the Communication Tower’s existence.

11. Access Roads and Above Ground Utilities:

a. Access roads shall be at minimum of fourteen feet (14’) wide and a gravel road.
b. Reasonable placed turnout(s) measuring four feet by forty feet (4’x40’) may be required for emergency vehicles.
c. A hammerhead turn is required.

12. Municipal:

a. Space to be reserved on the tower for municipal’s future communication purposes.
b. Exact height to be negotiated in good faith.
c. There will be no fees charged to the municipality for space on the tower.
d. Municipality to supply all necessary supplies and equipment at its own expense.

K. Accessory Dwelling Units:

One (1) accessory dwelling unit shall be permitted within an owner-occupied single family dwelling in all districts, which meet the following conditions:

1. The lot on which the accessory dwelling unit is situated meets all current dimensional requirements of the district.
2. The accessory dwelling shall contain no more than one (1) bedroom, kitchen area, living room and a bathroom, and shall not exceed six hundred (600) square feet of habitable floor area.
3. The accessory dwelling unit shall be located in the same building or a building attached to the principal structure. If the accessory dwelling unit is located in the basement of a single family dwelling, it must meet the egress standards of the NFPA Life Safety Code #101, as well as, all other required codes and standards.
4. Egress must be through the principle structure or a breezeway, although a secondary egress may be allowed in the rear of the building.
5. The building containing the accessory dwelling unit shall have the exterior appearance of a single-family home.
6. The unit must comply with applicable building codes, and expansion criteria of the Maine State Subsurface Wastewater rules.
7. Driveways longer than two hundred (200) feet must provide an adequate emergency vehicle turnaround.
8. On street parking will not be permitted. Additional parking and a turnaround space must be provided if needed.

L. Home Occupation

A structure, use, or activity listed as NP (not permitted) within a district in the Land Use Chart (Article V) shall not be permitted as a home occupation. The following standards apply to home occupations:

1. Except for signs as permitted by this ordinance, there shall be no external evidence of the occupation.
2. At least one member of the family occupying the premises must be engaged in the occupation.

3. There shall be no more than four employees engaged in the occupation, excluding family members.

4. The home occupation may utilize:
   a. Not more than twenty percent (20%) of the dwelling unit floor area, provided that the (for purposes of this calculation, unfinished basement and attic spaces are not included);
   b. Unfinished attic and basement spaces.; and
   c. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty percent (50%) of the total floor area of the dwelling unit floor area as previously calculated.

5. Retail or other sales of merchandise produced or manufactured on the premises shall be considered a home occupation.

6. Except for excluding residential requirements, parking for a home occupation shall not exceed ten (10) spaces.

7. Home occupations that would have significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light glare or other causes that would be considered dangerous or a nuisance, disturbance or annoyance to a reasonable person are prohibited.

M. New/Used Car Lots

1. No structures or equipment shall be located within fifty (50) feet of any property line, public way, or within two hundred (200) feet of any dwelling not on the premises.

2. The use of burning torches for repair or dismantling of vehicles shall be confined to non-combustible floors in enclosed buildings, or in the open, only upon areas cleared of all vegetation and other combustible materials.

3. A buffer of plantings not less than fifteen (15) feet in depth shall be permanently maintained as a visual barrier to conceal salvage operations and dismantled or stored vehicles from view of any dwelling or public right-of-way. Such vegetative screen shall have a mature height of not less than fifteen (15) feet. The Planning Board may require the planting of evergreen species or construction of an eight (8) foot high wooden fence, which shall blend harmoniously with its environs, in such cases where vegetation is not feasible, desirable or effective.
4. The proprietor of any such facility shall apply for renewal of his conditional use permit every two (2) years. Failure to comply with the provisions of this ordinance, as interpreted by the Planning Board, shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.

N. Marijuana

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs are expressly prohibited as either a principal use or an accessory use in the Town of Limerick.

No person or organization shall develop or operate a business that engages in retail sales of marijuana or any retail marijuana product, both as defined by 7 M.R.S.A. § 2442.

This prohibition does not include the growing or distribution of Medical Marijuana as allowed by 22 M.R.S.A. Chapter 558-C. It also does not include personal use of marijuana or home cultivation of marijuana for personal use as allowed by 7 M.R.S.A. § 2452.
Article VII - Conditional Uses

A. Purpose. A conditional use permit is designed for those uses which that may be permitted as a service to the community or for the benefit of the Town’s general welfare. The standards of this provision are designed to ensure adequate control of the location, design and operation of conditional uses.

B. Planning Board Approval Standards. The Planning Board may approve an application for a Conditional Use Permit if the applicant demonstrates that the proposed use:

1. Will meet the definition and specific requirements set forth in this ordinance for the specific use;

2. Will not have a significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light, glare or other cause;

3. Will not have a significant adverse effect on adjacent or nearby property values;

4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion;

5. Will not result in significant fire danger;

6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion;

7. Will not create a safety hazard because of inadequate access to the site, or to the buildings on the site, for emergency vehicles;

8. Has proposed exterior lighting that will not create hazards to motorists traveling on adjacent public streets, is adequate to the safety of occupants or users of the site, and will not damage the value and diminish the usability of adjacent properties;

9. Makes provisions for buffers and on-site landscaping which provide adequate protection to neighboring properties from detrimental features of the development;

10. Makes provisions for vehicular loading and unloading and parking for vehicular and pedestrian circulation on the site and onto adjacent public streets which neither create hazards to safety nor impose significant burdens on public facilities;

11. Makes adequate provision for disposal of waste water or solid waste and for the prevention of ground or surface water contamination;

12. Makes adequate provision to control erosion or sedimentation;
13. Makes adequate provision to handle storm water run-off and other drainage problems on the site;

14. Provides for a water supply which that will meet the demands of the proposed use;

15. Makes adequate provision for the transportation, storage, and disposal of hazardous substances and materials as defined by State law;

16. Will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which that could be avoided by reasonable modification of the plan.

C. Public Hearing. A public hearing shall be held by the Planning Board following an application for a Conditional Use Permit.

D. Written Findings. All findings by the Planning Board under these provisions shall be accompanied by written statements that set forth the reasons why the findings were made.

E. Attachment of Conditions; Violation. Upon consideration of the standard in Article VII.B, the Planning Board may attach such conditions, in addition to those required elsewhere in this ordinance, that it deems advisable to satisfy those standards. Violation of any of these conditions shall be a violation of the ordinance. Failure to comply with the provisions of this ordinance, as interpreted by the Code Enforcement Officer shall be cause for revocation of the Conditional Use Permit. Changes that alter the conditions or provisions of the permit as issued will be a violation. Such conditions may include, but are not limited to, specifications for: type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational of controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; location of piers, docks, parking and signs; type of construction; or any other condition necessary to satisfy the standards in Article VII.B.

F. Conditional Use Permit for Spreading of Sludge.

Definitions:
In-Vessel Composting: Sludge that is maintained in a heating vessel at 55 degrees for ten days or longer.
Sludge: The solid, semi-solid or liquid generated by a municipal, commercial or industrial wastewater treatment plant. Sludge is one type of residual and is included when the term “residual” alone is used. The term “sludge” does not include (nor does this Ordinance seek to regulate) either material of the same origin that has been treated and packaged for retail sale as garden fertilizer or any non-processed agricultural waste.
1. Application Procedure: An application form may be obtained from the Code Enforcement Officer and must be filed with the Planning Board ninety (90) days before the first delivery date. The application shall include the following:

   a. Completed “Application for Sludge Utilization” prepared for the Department of Environmental Protection (“DEP”).

   b. Fee of five hundred dollars ($500.00).

   c. Map of the proposed site.

   d. Results of baseline testing from wells and soils tests located adjacent to the spreading site.

   e. Description of management techniques to protect ground and surface waters.

   f. By descriptive letter and/or other proof of insurance, evidence of the applicant’s complete acceptance of liability and financial capacity to mitigate any potential damage to humans, animals, soil or water resources caused by the storage or application of proposed residual. The amount of insurance shall be no less than three million dollars ($3,000,000.00) covering liability to the Town of Limerick.

   g. The Board, after initial review of the application, may require other such information as it deems necessary to guarantee adequate protection of the public health and safety. This may include, but is not limited to, background water tests of existing wells or additional hydrogeologic data. Additional testing shall only be required when there is evidence of a circumstance at or in the vicinity of a specific site that was not adequately addressed by the DEP in its review or that the Planning Board believes was not adequately addressed by the applicant. Well-substantiated public comment may give cause for the Board to require additional baseline testing or other information.

2. Review Procedure

Upon receipt of the application, the Chairman or Secretary of the Board shall set a date for the first consideration of the application and prepare a public notice thereof. The notice will include mention of the baseline water tests recommended for wells within five hundred (500) feet of the proposed activity. The Board shall provide the applicant with a copy of the notice and direct the applicant to deliver a copy to all abutters and property owners within one thousand (1,000) feet of affected sites of the proposed activity. The applicant is responsible for all costs incurred in fulfilling the review requirements.

The Board shall communicate with the DEP to ascertain the status of the applicant’s State permit. If the Town permitting process moves ahead of the State process, the Town shall make receipt of a DEP permit a conditional requirement of the Town’s permit.
Utilizing any information received from abutters and other concerned citizens, the CEO shall inspect the proposed site(s) to verify information presented in the application. The CEO shall notify the DEP and the Board of his/her findings. The Planning Board shall determine whether additional or corrected information is required of the applicant.

Within thirty (30) days of filing the application, the Board shall notify the applicant in writing either that the application is complete, or what other material must be provided. The Board shall grant, grant with conditions, or deny the permit within sixty (60) days of the meeting at which it determines that it has received a completed application.

If sufficient interest is shown, the Board shall hold a public hearing within forty-five (45) days of receiving the completed application in order to solicit public input.

Within seven (7) days of reaching its decision, the Board shall notify the applicant in writing of the action taken by the Board.

A permit issued under this Ordinance shall be valid for a period of five (5) years from the date of issuance and shall be subject to annual review by the Board. Each November, the Code Enforcement Officer shall make a report to the Board on the status of each permit conditions of approval to determine if the conditions were met for the previous year. A permit to add one or more site(s) to an existing permit shall lapse at the same time as the original permit.

3. Monitoring and Enforcement

   a. Monitoring of all testing and spreading shall be supervised by the Code Enforcement Officer and the Health Officer of the Town of Limerick and/or their appointed representatives in conformity with EPA standards or more stringent standards set by the Limerick Planning Board. Enforcement of this Ordinance shall be the duty of the Selectmen of the Town who is hereby given power and authority, to enforce the provisions of this Ordinance.

   b. Testing of Sludge: All material shall be tested using levels, tests and standards as set by the EPA document #40 CFR Part 503 regulation approved by the EPA (11-25-92) with a test frequency at least as strict as EPA standards, set by the Town of Limerick and carried out by an independent laboratory, and with the option of increasing the stringency of all tests, levels, standards and frequencies as deemed necessary by the Limerick Planning Board.

   Minimum testing shall be as follows:

   i. Within seventy-two (72) hours of delivery to the site to any spreading.

   ii. Sixty (60) and One hundred twenty (120) days after spreading (for loading only).
iii. Prior to any additional material being spread.

c. The cost of all testing will be paid by the license holder.

d. The Town of Limerick will only accept Sludge that has been processed by “in 55 degrees Celsius, or higher, for ten (10) days or longer.

4. Testing of Water Wells

   a. Any persons having land abutting the spreading areas shall be entitled to have their well water tested:

      i. Before spreading for a baseline.

      ii. Yearly, while license remains in effect.

      iii. Once after license ends as a closing baseline.

   b. All cost of testing will be paid by the license holder.

5. Covenant on Deed of Landholder

   a. The spreading of sludge on any land will require a protective covenant to be recorded at the County seat on the deed of the landholder.

6. Field Stacking

   The term “field stacking” is defined as the stacking of materials for no longer than seventy-two (72) hours before spreading. In the case of inappropriate spreading, conditions, or lack of test results, an extension may be granted.

   a. Conditions for field stacking materials:

      i. Materials to be field stacked shall be placed on and covered with a waterproof material to prevent leaching into the soil and becoming airborne.

      ii. Each load of material shall be kept separate from the others for testing.

7. Overseeing of Spreading

   a. Forty-eight (48) hours notice will be given to the CEO of the town.

   b. At the CEO’s discretion, a time shall be given to the licensee to spread. The spreading shall be overseen by the CEO or his appointed alternate.
Article VIII - Nonconforming Uses

A. Any nonconforming use other than the uses specified in B. and C. below may continue in its present use except that the use may not be:

1. Changed to another non-conforming use.

2. Re-established after discontinuance for one (1) year except to a use conforming to the District in which it is located.

3. Expanded.

B. No junkyard may continue as a non-conforming use for more than one (1) year after the effective date of this Ordinance, except that a junkyard may continue as a non-conforming use in a Business/Industrial District if within that period it is completely enclosed within a continuous solid fence of such height, not less than eight (8) feet high in any case, as to screen completely the operations of the junkyard. Plans of such building or fence shall be approved by the Board of Selectmen before it is erected.

C. No outdoor advertising structure may continue as a non-conforming use for more than two (2) years after the effective date of this Ordinance unless it is designed to direct attention to a business or profession conducted on the premises.

D. In the case of existing non-conforming uses, a structure may be rebuilt within the limits of the existing footprint and design.
Article IX - Enforcement

A. It shall be the duty of the Code Enforcement Officer, who is hereby given power and authority, to enforce the provisions of this Ordinance.

B. The Code Enforcement Officer shall issue any and all building permits requested when such permit is in accordance with the provisions of this Ordinance.

C. Permits. After the passage of this Ordinance, it shall be unlawful to erect any building or alter the dimensions of any building or relocate any building in any district without first obtaining a building permit from the Building Inspector.

D. Basic maintenance and repairs to structures such as roof replacements, clapboard or vinyl siding installation, painting, or window replacement, etc. do not require a permit. It is the responsibility of the property owner to contact the CEO to determine if a permit is required prior to beginning work on a structure.

E. Upon any well-founded information that this Ordinance is being violated, the Code Enforcement Officer shall, on their own initiative, take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court or by any other legal action.
ARTICLE X-BOARD OF APPEALS

A. Establishment

A Board of Appeals is hereby established pursuant to 30-A M.R.S.A. § 2691.

B. Appointment

1. Members of the board of appeals shall be appointed by the municipal officers, who shall determine their compensation, and be sworn by the municipal clerk or other person authorized to administer oaths.

2. The board shall consist of five (5) members.

3. The term of each member shall be three (3) years.

4. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse, or when a member ceases to be a voting resident of the town. The municipal officers may remove members of the board of appeals by majority vote, for cause, after notice and hearing.

5. Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the board of appeals.

C. Organization, Rules and Procedures

1. The board shall elect a chairperson, cochairperson, and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for reelection.

2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members of the board present and voting, except the member who is being challenged.

3. The chairperson shall call one regular meeting each month, provided there is business to conduct.

4. No meeting of the board shall be held without a quorum consisting of three (3) members. No action shall be taken on the issue before the board without a majority vote of those members present and voting.

5. The chairperson shall call one meeting annually to elect officers.
**D. Duties and Powers**

1. The board of appeals may adopt rules and procedures for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.

2. The board of appeals shall file all rules and procedures and subsequent revisions with the Town Clerk. Copies shall be provided to the municipal officers for their information.

3. The board of appeals shall perform such duties and exercise such powers as are provided by the ordinances of the Town of Limerick and the laws of the State of Maine.

4. The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

5. The Board may interpret the provisions of any applicable municipal ordinance it has been given the jurisdiction to hear.

**E. Jurisdiction**

1. The Board of Appeals is authorized to hear and decide appeals as an appellate review where it is alleged there is an error in any administrative decision, order, requirement, or determination made by the Code Enforcement Officer or Planning Board under the following Ordinances.

   a. Zoning Ordinance of the Town of Limerick, Maine.
   b. Planning Board Standards for Reviewing Subdivisions.
   c. Shoreland Zoning Ordinance of the Town of Limerick, Maine.
   d. Flood Plain Ordinance of the Town of Limerick, Maine.
   e. Sludge Ordinance of the Town of Limerick, Maine.
   f. Building Code Ordinance of the Town of Limerick, Maine.
   g. The Growth Ordinance of the Town of Limerick, Maine.
   h. The Communication Tower Ordinance of Limerick, Maine.

2. The Board of Appeals is authorized to hear variances in specific cases but only within the limitations set forth in this ordinance.

3. The Board of Appeals is authorized to hear the following:
A. Permit a non-conforming temporary use for an initial period of not more than two years. Permits may be renewed by the Board of Appeals for successive periods of not more than one year each.

B. Permit in a Commercial District manufacturing which is incidental to a retail business where articles are sold at retail on the premises and where not more than five (5) operators are employed in such manufacturing.

C. Permit in a Commercial District trailer camps or mobile home subdivisions provided that no trailer or mobile home shall be located on a lot smaller than 2,000 square feet in area and follow the regulations adopted by the Selectmen and as outlined in the State Plumbing Code.

F. Variances

1. Variances may be permitted only under the following conditions:

a. Variances are obtainable only for height, minimum lot size, structure size, setbacks, and open space requirements.

b. An application for a variance may be filed directly with the Board of Appeals in accordance with the procedures below.

c. For a variance appeal the applicant shall submit:

   1. A sketch drawn to scale of 1" = 100' showing lot lines, location of existing building and other physical features pertinent to the variance request.

   2. A concise written statement stating what variance is requested.

d. Variances cannot, under any circumstances, be obtainable for establishment of any uses otherwise prohibited.

e. The Board shall not grant a variance unless it finds that all the following criteria are met:

   1. that the land in question cannot yield a reasonable return unless a variance is granted;

   2. that the need for a variance is due to the unique circumstances of the property and not the general conditions in the neighborhood;

   3. that the granting of a variance will not alter the essential character of the locality; and
4. that the hardship is not the result of action taken by the applicant or a prior owner.

f. The Board shall limit any variances granted as strictly as possible in order to preserve the terms of the Ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary to this end.

g. The Board of Appeals is also authorized to hear and decide requests for disability variances as provided in 30-A M.R.S.A. § 4353 (4-A).

G. Appeal Procedure

1. Making an Appeal

a. Any appeal authorized by this Article may be taken to the Board of Appeals. Where an appeal is taken by an aggrieved person from any administrative decision of the Code Enforcement Officer or Planning Board, the appeal shall be taken within thirty (30) days of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

b. An appeal shall be made by filing with the Board of Appeals a written notice of appeal, specifying the grounds for such appeal.

c. The Board of Appeals shall notify the Board of Selectmen, Planning Board, Code Enforcement Officer, and applicant of the appeal. Notice shall also be provided, where the appeal is of an approved permit, to the holder of the permit. In the case of an application for a variance in a shoreland zoning district, a copy of the application, together with all supporting information provided by the applicant, shall be forwarded to the Commissioner of the Maine Department of Environmental Protection at least twenty (20) days prior to taking any action on the variance application. If the Commissioner of the Department of Environmental Protection submits any comments in response to the variance application, the Board of Appeals shall make such comments part of the record and shall consider them prior to taking action on the variance application.

d. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board shall transmit to the Board of Appeals all the papers specifying the record of the decision appealed from.

e. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal application. Notice of the date, time, and place of the hearing shall be placed in one newspapers of general circulation in
the area at least seven (7) days prior to the hearing. All costs of the hearing such as: public notice, secretary fees, etc. are to be borne by the applicant.

f. In an administrative appeal the applicant has the burden of proof to demonstrate that the Code Enforcement Officer or Planning Board acted contrary to the Ordinance. The Board of Appeals shall hear an appeal of any decision of the Planning Board on an appellate basis and shall limit its review to the record developed before the Planning Board and shall not accept any new evidence or testimony. The Board of Appeals may only reverse a decision of the Planning Board if it determines that the Planning Board’s decision was based on an error of law or a mistake of fact.

2. Hearings

a. In any appeal from a decision of the Code Enforcement Officer or any variance appeal, the Board shall conduct a de novo hearing as follows:

i. The Board may receive any oral or documentary evidence, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross examination as may be required for a full and true disclosure of the facts.

ii. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chairperson. All persons at the hearing shall abide by the order of the Chairperson.

iii. At any hearing a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.

iv. The Code Enforcement Officer shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material s/he deems appropriate for an understanding of the appeal.

v. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.

vi. The Board of Appeals shall include a statement of its findings of fact and conclusions of law as part of its decision.

b. The Board of Appeals shall hear any appeal of a decision of the Planning Board solely on an appellate basis and shall only reverse a decision of the Planning Board that contains one or more errors of law or fact.
i. The Board of Appeals shall not consider or accept new evidence or testimony and shall limit its review to the record developed before the Planning Board.

ii. The person bringing the appeal and any persons in opposition to the appeal shall be limited to a presentation of arguments as to why the decision of the Planning Board is in error.

H. Decisions of the Board of Appeals

1. A majority of the members of the Board shall constitute a quorum for the purpose of deciding an appeal or variance. A member who abstains shall not be counted in determining whether a quorum exists.

2. The concurring vote of a majority of the members of the Board making up the quorum shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance. A tie vote shall constitute a rejection of the application being considered.

3. The Board shall decide all appeals or variances within thirty-five (35) days after hearing, and shall issue a written decision on all appeals or variances.

4. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Code Enforcement Officer, Planning Board, and Selectmen within ten (10) days of the decision date.

5. A copy of all variances effecting shoreland zoning granted by the Board of Appeals shall be submitted to the Dept. of Environmental Protection within fourteen (14) days of the decision.

6. The applicant shall be responsible for a recording a certificate of variance in the York County Registry of Deeds within 90 days of the final written approval. The variance will not be valid until it is recorded. If the variance is not recorded within the required 90-day period, it shall become void.

I. Appeal to Superior Court

Except as provided in Section J of this Article, any aggrieved party may take an appeal to Superior Court in accordance with State law within forty-five (45) days from the date of any decision of the Board of Appeals.
J. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision, if the applicant can provide new and substantial evidence to reconsider. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony. Notwithstanding Section I of this Article, appeal of a reconsidered decision must be made within 15 days after the decision on reconsideration.

K. Severability Clause

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.

L. Effective Date

The effective date of this amendment is June 13, 2017.
Article XI - Amendments

This Ordinance may be amended by a majority vote of any legal town meeting when such amendment has received public hearing, which hearing has been advertised and given a legal ten (10) day notice.

Article XII - Penalty

Every person, persons, firm or corporation violating any of the provisions of this Ordinance shall be subject to the provisions of 30-A M.R.S.A. § 4452.

Article XIII - Saving Clause

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

Article XIV - Effective Date

This Ordinance shall take effect upon its passage.

LIMERICK BUILDING CODE ORDINANCE

The Maine Uniform Building Code (MUBC), as adopted on October 11, 2010 by the Maine Department of Public Safety’s Building codes and Standards Board, is adopted by reference, as authorized by 10 M.R.S.A., section 9724 (1-A0 and 30-A M.R.S.A., section 3003. Upon adoption, MUBC shall be effective retroactive to September 28, 2011. The penalty for violation of any provision of MUBC shall be as provided by 30-A M.R.S.A., section 4452. A copy of MUBC is and shall remain on file with the municipal clerk and is available for public use, inspection and examination. Enforce only the Main Uniform Building Code sections RB, CB, RV, CV, and RR.

Enforcement:

This ordinance shall be enforced pursuant to the provisions of 30-A M.R.S.A. 4452 Rule 80K of the Maine Rules of Civil Procedure and Limerick Building Ordinance by any municipal official authorized by law to do so.
CERTIFICATE OF OCCUPANCY
Use and Occupancy

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefore as provided herein. Issuance of a Certificate of Occupancy shall not be constructed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.