

AMENDMENTS TO ZONING ORDINANCE TO REMOVE REFERENCES TO SHORELAND ZONE

The Zoning Ordinance is hereby amended as follows (deletions are struck through and additions are underlined):

1. Section 2.04 Uses and Activities Which Do Not Require a Building or Occupancy Permit

-A building and/or occupancy permit is not required in any of the following circumstances provided that the improvement does not give rise to a violation of state law, this ordinance, other local land use ordinances or regulations, and conditions (if any) attached to an approved project:

- where construction of a permitted accessory structure occupying less than one hundred (100) sq. ft. of ground or floor space and costing less than one thousand dollars (\$1,000) for improvement, or alteration of any existing permitted structure involving less than one hundred (100 sq. ft. of ground or floor space and costing less than one thousand dollars (\$1,000) is contemplated; where repairs not involving a change in use or an increase in the area of any permitted structure (including accessory structures) are contemplated ~~except when in the Shoreland Zone;~~
- where a change from one permitted use to another permitted use or from a nonconforming use to a permitted use is contemplated and the costs involved are less than one thousand dollars (\$1,000);
- where erection of a sign not requiring a permit (see Section 6.02) is contemplated;
And
- fences and/or walls.

2. **Section 3.01 General** - For the purpose of this ordinance the Town of Waterboro is divided into the following zoning districts; a Village district (V); a Village/Residential district (VR); an Agriculture-Residential district (AR); a Forest-Agriculture district (FA); a Conservation district (C), and a General Purpose (GP) district. In addition to these districts, the Town of Waterboro also has ~~two-one (21) overlay districts; the Shoreland Overlay Districts divided into five (5) subdistricts: Resource protection, Limited Residential, Limited Commercial, Stream Protection and General Development District as described in section 7.01; and~~ the Well-Head Protection Districts divided into three (3) sub-districts: District #1, District #2 and District #3 described in section 7.06. The Shoreland Zoning Ordinance establishes the regulations for all areas described in that Ordinance and shown on the Town's Shoreland Zoning Map.

3. Section 3.04 Village District (V)

The **village district** includes land which at present is the most highly developed in the town. The range of development activities is broad and includes commercial, industrial, and residential land uses as well as supporting municipal services. This heterogeneous mix is not unattractive, however, probably due to the relatively low (for urbanized areas) density of development. This ordinance makes no effort to change the existing character of village life, mixed uses continue--

indeed they are preserved and fostered. No areas in the town have greater proximity to schools and essential services or are better served by utilities and all-weather roads. At the same time the soil, slope, and topographic characteristics of land in this district are excellent enabling subsurface waste water disposal systems to operate efficiently and simultaneously providing adequate fresh water supplies. In these circumstances care is taken to prevent over-development within the **village district**.

The minimum lot size in the **village district** is 20,000 sq. ft. or 40,000 sq. ft. depending on the land use. No principal or accessory structure may be placed within twenty (20) feet of any side or rear lot line. Such structures must be set back twenty-five (25) feet from the front lot line of a 20,000 sq. ft. lot, fifty (50) feet from the front lot line of a 40,000 sq. ft. ~~lot and one hundred (100) feet from the normal high water mark of any lake, river, or stream, except that docks, and similar facilities may be placed on the shore subject to the provisions in Article 7.~~ No principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 for minimum lot width and frontage requirements.

4. Subsection 3.04.02 Conditional Uses and Structures

12. Wheelchair ramps: Such ramps are exempt from the side, rear and front yard setbacks; ~~but not from the shoreland setback.~~ The Planning Board must determine that they meet the performance standards in Articles 4 and 7.

5. Section 3.05 Residential District (R)

The **residential district** includes land which is generally well suited for and capable of sustaining higher densities of development than presently exist because of its proximity to schools and other municipal services. It is also well served by public utilities and all-weather roads. The soils, slope and topographic characteristics of land in this district are almost uniformly good enabling subsurface waste water disposal systems to operate efficiently and simultaneously providing adequate fresh water supplies. The process of transition from relatively un-intensive farm and forest uses to more intensive residential and commercial land use activities is clearly in evidence. Much of the recent subdividing activity within the town has taken place on land which is in the **residential district**-this trend will almost certainly continue.

The minimum lot size in the **residential district** is 40,000 sq. ft. No principal or accessory structure may be placed within thirty-five (35) feet of any side or rear lot line. Such structures must be set back fifty (50) feet from the front lot line ~~and one hundred (100) feet from the normal high water mark of any lake, river, or stream, except that docks, and similar facilities may be placed on the shore subject to the provisions in Article 7.~~ No principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 for minimum lot width and frontage requirements.

6. Subsection 3.05.02 Conditional Uses and Structures

9. Wheelchair ramps: Such ramps are exempt from the side, rear and front yard setbacks; ~~but not from the shoreland setback.~~ The Planning Board must determine that they meet the performance standard in Articles 4 and 7.

7. Section 3.06 Agriculture and Residential District (AR)

Much of the land in this district is being used and in the foreseeable future will continue to be used as forest and farm land even though it is generally suitable for higher densities of development than presently exist. Land in this district has reasonable proximity to schools and other municipal services and is reasonably well served by utilities and all-weather roads. Though there is some variability, the soils, slope and topographic characteristics of land in this district are above average and are usually capable of sustaining subsurface waste water disposal systems and simultaneously providing adequate fresh water supplies. However, the process of transition from relatively un-intensive uses, primarily agricultural, to more intensive residential and commercial land use activities is in its early stages.

The minimum lot size in the **agriculture and residential district** is 80,000 sq. ft. No principal or accessory structure may be placed within thirty-five (35) feet of any side or rear lot line. Such structures must be set back seventy-five (75) feet from the front lot line ~~and one hundred (100) feet from the normal high water mark of any lake, river, or stream, except that docks, and similar facilities may be placed on the shore subject to the provisions in Article 7.~~ Other than agricultural structures, no principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 minimum lot width and frontage requirements.

8. Subsection 3.06.02 Conditional Uses and Structures

20. Wheelchair ramps: Such ramps are exempt from the side, rear and front yard setbacks, ~~but not from the shoreland setback.~~ The Planning Board must determine that they meet the performance standard in Articles 4 and 7.

9. Section 3.07 Forest and Agriculture District (FA)

The **forest and agriculture district** includes land which is not presently well suited for high density development because of lack of proximity to schools and other municipal services and the inadequacy of utilities and roads within and connecting these lands to other more developed portions of the town. Much of the land in this district has historically and is today being used for agriculture and timber production purposes. Existing holdings are large, many in excess of one hundred (100) acres. There is little evidence of transition to more intensive land use activities. The soils, slope and topographic characteristics of land in this district are mixed. Some areas will not readily support subsurface waste water disposal systems. Other areas, if the aforementioned impediments to development were removed, could sustain higher density development than this ordinance now permits.

The minimum lot size in the **forest and agriculture district** is five (5) acres. No principal or accessory structure may be placed within fifty (50) feet of any side or rear lot line. Such structures must be set back one-hundred (100) feet from the front lot line ~~and one hundred (100) feet from the normal high water mark of any lake, river, or stream, except that docks, or similar facilities may be placed on the shore subject to the provisions in Article 7.~~ Other than

agricultural structures, no principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 for minimum lot width and frontage requirements.

10. Subsection 3.07.02 Conditional Uses and Structures

13. Wheelchair ramps: Such ramps are exempt from the side, rear and front yard setbacks, ~~but not from the shoreland setback~~. The Planning Board must determine that they meet the performance standard in Articles 4 and 7.

11. **Section 3.08 Conservation District (C)**

The **conservation district** includes land which is least suited for and least able to sustain high density development because of its topography, elevation and soil types, or marshy character, its lack of proximity to schools and other municipal services, the present inadequacy of utilities and roads within and connecting these lands to other more developed portions of the town, and its relatively natural unspoiled character, often in proximity to lake and other water bodies or steep rocky slopes.

The minimum lot size in the **conservation district** is ten (10) acres. No principal or accessory structure may be placed within fifty (50) feet of any side or rear lot line. Such structures must be set back one hundred (100) feet from the front lot line ~~and one hundred (100) feet from the normal high water mark of any lake, river, or stream except that docks, or similar facilities may be placed on the shore subject to the provisions in Article 7~~. Other than agricultural structures, no principal or accessory structure may exceed thirty-five (35) feet in height. See Section 2.06 for minimum lot width and frontage requirements.

12. Subsection 3.08.02 Conditional Uses and Structures

12. Wheelchair ramps: Such ramps are exempt from the side, rear and front yard setbacks, ~~but not from the shoreland setback~~. The Planning Board must determine that they meet the performance standard in Articles 4 and 7.

13. **Section 3.09 Village/Residential District (VR)**

The **village residential** district includes those lots existing within the Town of Waterboro on the date of passage of this section which are subject to dues and fees of the Lake Arrowhead Community and connected to the Lake Arrowhead Public Water System, as more particularly described in Chapter 37 of the 1995 Maine Private and Special Laws.

The minimum lot size in the **village residential** district is 20,000 square feet with the minimum lot width and frontage requirements of 100' except on cul-de-sacs where 50' will be required. No principal or accessory structure may be placed within twenty (20) feet of any side or rear lot line. Such structures must be set back forty (40) feet from any front yard ~~and one hundred (100) feet from the normal high water mark of any lake, river or stream, except that docks or similar facilities may be placed on the shore subject to the provisions in Article 7~~. No principal or

accessory structure may exceed thirty five (35) feet in height. See section 2.06 for minimum lot width and frontage requirements.

14. Section 7.01 (Development on Shorelands) is hereby repealed in its entirety.

15. Section 14.02 Words and Terms Defined

~~**NORMAL HIGH WATER MARK:** That point or elevation on the shore or bank of a waterbody where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. A series of such points along a shoreline determines the normal high water line.~~

~~**RIVER:** A free flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.~~

~~**PIERS, DOCKS, WHARFS, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH WATER LINE OR WITHIN A WETLAND—**~~

~~Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.~~

~~Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.(AMENDED 6-4-94)~~

~~**SHORELAND:** The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high water line of any great pond, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within one hundred (100) feet of the normal high water line of a stream.~~

~~**STREAM:** A free flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.(AMENDED 6-4-94)~~

~~**WATERBODY:** Any great ponds, rivers, or streams. (AMENDED 6-3-96).~~

~~**WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS:** Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.(AMENDED 6-4-94)~~