ARTICLE 3 ZONING ORDINANCE

SECTION 1: INTRODUCTION

A. **Title**
   This Ordinance shall be known and may be cited as the “Zoning Ordinance of the Town of Pownal, Maine.”

B. **Effective Date**: Adopted August 12, 1971

C. **Authority**
   This Ordinance is adopted pursuant to the enabling provisions of Article VI I I -A of the Maine Constitution, the provisions of Title 30-A, M.R.S.A. Section 3001(Home Rule), the State’s Growth Management Law, Title 30-A M.R.S.A Section 4312 Et Seq., and the Mandatory Shoreland Zoning Act, Title 38 M.R.S.A. Sections 435 et seq.

D. **Purpose**
   This Ordinance is designed for all the purposes of zoning embraced in Maine Revised Statutes and has been pursuant to, and to be consistent with, the Comprehensive Plan adopted by the Town of Pownal to provide for the health, safety and welfare of Pownal citizens. Among other things it is designed to:
   - Promote the coordinated development of unbuilt areas
   - Provide for adequate public services
   - Promote traffic safety
   - Provide safety from fires and other elements
   - Provide adequate light and air
   - Promote a wholesome home environment
   - Provide an adequate street system
   - Prevent overcrowding of real estate
   - Prevent housing development in unsanitary areas
   - Encourage the formation of community units
   - Encourage development that is aesthetically pleasing
   - Encourage flexibility of municipal planning
   - Conserve the value of lands and buildings
   - Protect the environment and conserve natural resources
   - Control and minimize noise and light pollution

E. **Severability**
   In the event that any section, subsection, or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or portion of this ordinance.

F. **Conflicts with Other Ordinances**
   Wherever the requirements of the Ordinance appear to be in conflict with any other lawfully adopted statute, rule, regulations, or ordinance, the most restrictive or that imposing the higher standards shall govern.

G. **Changes and Amendments**
   No zoning regulation or amendment thereof shall be adopted until after the Planning Board shall have held a public hearing thereon at least ten (10) days before it is submitted to Town for consideration. Public
notice of the hearing shall be made at least fourteen (14) days prior to such hearing in order to meet the requirements of 30-A M.R.S.A. Section 4352.

H. **Applicability**
The provisions of this ordinance shall govern all land and all structures within the boundaries of the Town. It is the intent of this Ordinance that any use not expressly allowed as either a permitted or special exception use is specifically prohibited.

I. **Fees and Fines**
Unless otherwise noted all fees are set by the Selectmen or voted at town meeting. A fee schedule is available and kept on record with the town clerk. Fines for violations shall be as established by 30-A M.R.S.A. Section 4452.

SECTION 2: ESTABLISHED OF ZONES

A. **Districts**
To implement the provisions of this Ordinance the Town is hereby divided into the following classes of Districts:
1. Village District, (V)
2. Rural District (RA)
3. Rural District (RB)

B. **Zoning Map**
The districts above are shown upon a map entitled “Zoning Map of the Town of Pownal, Maine” dated May 2014 and filed in the office of the Town Clerk. Said map is hereby incorporated in and made a part of this Ordinance and shall be final authority as to the current status of district locations. Where uncertainty exists with respect to district boundaries as shown upon the above map the following rules shall apply:
1. Unless otherwise indicated, district boundary lines are the center line, plotted at the time adoption of this Ordinance, of streets, alleys, parkways, waterways or right-of-way of public utilities and railroads or such lines extended.
2. Other district boundary lines which are not listed in the preceding paragraph shall be considered as lines paralleling a street and at distances from the center lines of such streets as indicated by the official Zoning Map on file in the office of the Town Clerk. In absence of a written dimension, the graphic scale on the official Zoning Map shall be used.

SECTION 3: CONFORMITY

A. No building or structure shall be erected, altered, enlarged, rebuilt, moved, or used and no premises shall be used unless in conformity with the provisions of this Ordinance except those existing, which by the provisions of this Ordinance become legally nonconforming upon its adoption.

B. The regulations specified by this Ordinance for each class of district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land.

C. Land within the lines of a street on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the area requirements of this Ordinance notwithstanding the fact that the fee to such land may be in the owner of such lot.

D. No part of a yard or other open space, or off-street parking, or loading space about or in connection with any building and required for the purpose for complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
E. When a lot of record at the time of enactment of this Zoning Ordinance is transected by a zoning district boundary, the regulations set forth in this Ordinance applying to the larger part by area of such lot may also be deemed to govern in the smaller area beyond such zoning district boundary but only to an extent not more than fifty (50) linear feet in depth beyond said zoning district boundary.

F. In any district, notwithstanding limitations imposed by other sections of this Ordinance, single lots of record at the effective date of adoption or amendment of this Ordinance may be built upon, with the approval of the Building Inspector (BI) and/or Code Enforcement Officer (CEO). Such lots shall be in separate ownership and not contiguous with other lots in the same ownership. This provision shall apply even though such lots fail to meet the minimum requirements for area or width or both, which are applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulation for the district in which such lot is located. Variance of yard and other requirements not involving area or width shall be obtained only through action of the Board of Appeals.

G. No more than one principal building and its accessory buildings are regulated by this Ordinance may be located on any one lot used as a residential lot, except in cases of a planned unit development or multiple dwelling units that meet all other applicable sections of the Ordinance.

SECTION 4: NONCONFORMITY

A. Any lawful use of buildings, structures, premises, land or parts thereof existing at the effective date of this Ordinance and made nonconforming by the provisions of this Ordinance or any amendments thereto, may be continued subject to the provisions of this section.

B. If any nonconforming use ceases for any reason for a period of two years or more any subsequent nonconforming use shall only be allowed if it receives approval from the Board of Appeals as a special exception.

C. An existing nonconforming use may be changed to another nonconforming use provided that the Board of Appeals shall find that the proposed use is equally of more appropriate to the zoning district than the existing nonconforming use and provided that the Board of Appeals shall review such change as a special exception.

D. Whenever a nonconforming use is changed to an allowed use, such use shall not thereafter revert to nonconforming status notwithstanding any other provisions of this Ordinance.

E. Any individual use for which an individual special exception has been granted in accordance with this Ordinance shall not be deemed a nonconforming use.

F. The Board of Appeals may grant permission for the enlargement of any use made legally nonconforming by the district provision of this Ordinance. In reviewing all such applications for enlargement, the Board of Appeals shall use the criteria established herein for the consideration of special exceptions.

SECTION 5: ADMINISTRATION, ENFORCEMENT AND PENALTIES

A. Enforcement Officer

It shall be the duty of the Building Inspector/Code Enforcement Officer to enforce the provisions of this Ordinance. If the BI/CEO shall find that any of the provisions of this Ordinance are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she may order discontinuance of illegal use of land,
building, or structures, removal of illegal buildings or structures or of any additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by the Ordinance to insure compliance with or to prevent violation to its provisions.

B. **Legal Action and Violations**
   When any violation of any provision of this Ordinance shall be found to exist, the Building Inspector shall notify the Board of Selectmen who may then institute any and all actions to be brought in the name of the Town.

C. **Fines**
   Any person, firm, or corporation being the owner of or having control of or use of any building or premises who violates any of the provisions thereof, shall be subject to a fine. Each day such violation exists after notification the violation shall constitute a separate offense. All fines collected hereunder shall inure to the Town. The Town may also seek correction of the violation or any other appropriate relief.

D. **Building permit**
   No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the BI/CEO. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Appeals. No building permit shall be issued for new residential dwelling until such time as a valid plumbing permit has been issued for a system of private sewage disposal by the Plumbing Inspector. In the case of a subdivision, or a site plan, the Planning Board must review and approve the subdivision or site plan in accordance with all applicable land use regulations prior to the issuance of the permit to build. The building permit shall be valid for one year from the date of issuance. If construction has not been completed within the twelve-month period, the permit may be renewed without charge for a second twelve-month period. Thereafter, if substantial construction has not been completed, a new permit shall be applied for and the fee paid. Substantial construction shall be defined, at a minimum, as the installation of a foundation and shall be determined by the Building Inspector.

E. **Application for Building Permit**
   All applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Inspector to determine conformance with and provide for the enforcement of this Ordinance. The provision of this Ordinance related to the issuance of building permits and soils condition shall apply.

F. **Certificate of Occupancy**
   It shall be unlawful to use or occupy or allow the use or occupancy of any building or premises until a Certificate of Occupancy shall have been issued therefor by the Building Inspector and endorsed to the effect that the proposed use of the building or land conforms with the requirements of this Ordinance.
   1. A Certificate of Occupancy shall be issued in conformity with the provisions of this Ordinance upon completion of the work described in the application for a Building Permit.
   2. A temporary Certificate of Occupancy may be issued by the Building Inspector for a period of six months during construction or alterations for partial occupancy of a building pending its completion, provided that such temporary Certificate may require such conditions and safeguards as will protect the health, welfare and safety of the occupants and the public.
   3. The Building Inspector shall maintain a public record of all Certificates of Occupancy.
4. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance.

G. Temporary Trailers During Construction

The Building Inspector shall issue a permit to an applicant who is constructing his/her residence on a site to place a temporary trailer on that site to be used as the owner’s temporary living quarters for six months if the following conditions are met:
1. The applicant must have obtained valid plumbing and building permits for the residence.
2. The permanent foundation, septic disposal system and water supply for the residence must be completed before the trailer is placed on the site. The temporary trailer shall be similar to a travel trailer. It shall have either self-contained plumbing facilities or a plumbing connection to the residence’s septic system and water supply.
3. No trailer shall be set at the site as provided above unless the Building Inspector shall issue, for a period no longer than six months, a temporary Certificate of Occupancy which may require such conditions and safeguards as will protect the health, welfare and safety of the occupants and the public.
4. After the six months have expired, the applicant may apply to the Board of Appeals for one six month extension if the residence has not been completed. No further extensions are allowed.
5. If a six month extension is granted by the Board of Appeals as provided above, the Building Inspector shall extend the temporary Certificate of Occupancy for such additional period subject to conditions and safeguards as he deems appropriate.
6. Occupancy must cease when the permit expires. Failure to cease occupancy shall be a violation of this Ordinance.

SECTION 6. VILLAGE DISTRICT

A. Purpose

To provide a central village area in which a variety of community and service uses may be located in accordance with the performance standards of this Ordinance.

B. Permitted Uses

1. Dwellings and detached Accessory Dwelling Units, except mobile home parks.
2. Community buildings including public and semi-public uses, churches, places of assembly and recreation (exclusive of drive-in theaters and fairgrounds).
3. Professional and business uses.
4. Motel and Hotels.
5. Accessory uses and buildings, including home occupations.

C. Special exceptions

1. Cemeteries.
2. Industry and Manufacturing activities.
3. Used car sales.
4. Public utility installations.
5. Construction in a floodplain as defined under Section 13A of this Ordinance. Amended 6/18/18
SECTION 7 RURAL DISTRICT – RA

A. **Purpose:**
   To conserve the integrity and natural qualities of rural open space for the betterment of the community and future needs.

B. **Permitted Uses:**
   1. General purpose farming and forestry.
   2. Farm Stand – Retail sales of farm produce most of which is grown on the same premises or premises leased or owned by the operator of the farm stand.
   3. Open space recreational uses, exclusive of drive-in theaters, fairgrounds, amusement parks, race tracks, and stadiums.
   4. Dwellings and detached Accessory Dwelling Units.
   5. Accessory uses and buildings, including home occupations.
   6. Mobile Home Park on the parcel identified as lot number 43 on the Town Tax Map number 9.

C. **Special exceptions**
   1. Fairgrounds
   2. Cemeteries
   3. Municipal uses and public utility installations.
   4. Motels and Hotels.
   5. Medical and professional buildings, with individual units subject to Subsection 8.
   6. Construction in a flood plain as defined under Section 13A of this Ordinance. *Amended 6/18/18*
   8. Business and professional uses provided that they meet the following standards:
      a. Each use shall not cover more than 5,000 square feet of floor space.
      b. The design of the structure shall be compatible with the predominantly residential nature of the district.
      c. All parking shall be located off street and shall not be located in the required front yard.
      d. A natural buffer of 75’ shall be maintained as side and rear setbacks.
      e. Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbances, odors, heat or glare shall not be produced beyond what is normally produced in the rural district.
   9. Mobile Home Parks, 30-A M.R.S.A. 4358

SECTION 8. RURAL DISTRICT – RB

A. **Purpose.**
   To provide for the placement of mobile homes on individual lots in areas which contain undeveloped acreage and which have few historically significant structures.

B. **Permitted Uses.** These are the same as Rural District –RA.
   1. Lots south of Tuttle Road must have the required frontage on Tuttle Road and only Tuttle Road may be used for access to the lot if a mobile home is place on it.
   2. Mobile Home Park on the parcel identified as lot number 30 on the Town Tax Map number 2.

C. **Special Exceptions.** These are the same as Rural District RA.
SECTION 9 PERFORMANCE STANDARDS

The performance standards contained in this Section shall apply to all districts, uses and activities, unless otherwise specified, whether or not specific approval or a permit is required.

1. Residential Uses
The Codes Enforcement Officer or the Planning Board shall make the final determination of net residential acreage/area. Where the Planning Board determines that the extent of unsuitability in a specific case requires interpretation, it shall be guided by whether or not the potential unsuitable area in its natural state could be incorporated into a minimum size developable lot in a traditional subdivision. If it can be so incorporated, that area shall not be subtracted from the gross acreage/area. The following densities are necessary because of the limited availability of soil suitable to on-site septic systems and the limited number and size of aquifers and aquifer recharge areas:

SPACE AND DIMENSIONAL STANDARDS

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>VILLAGE</th>
<th>RURAL A</th>
<th>RURAL B</th>
<th>BACKLOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL USES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MINIMUM LOT SIZE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>with on-site sewer and water</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family dwelling</td>
<td>Amended 6/18/18</td>
<td>90,000 sf</td>
<td>90,000 sf</td>
<td>90,000 sf</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>Amended 6/18/18</td>
<td>150,000 sf</td>
<td>150,000 sf</td>
<td>150,000 sf</td>
</tr>
<tr>
<td>MINIMUM NET RESIDENTIAL AREA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attached dwelling of more than two units</td>
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<td></td>
</tr>
<tr>
<td>First Unit</td>
<td>90,000 sf</td>
<td>90,000 sf</td>
<td>90,000 sf</td>
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</tr>
<tr>
<td>Each Additional Unit</td>
<td>60,000 sf</td>
<td>60,000 sf</td>
<td>60,000 sf</td>
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<tr>
<td>MINIMUM NET RESIDENTIAL AREA</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Detached Accessory Dwelling</td>
<td>150,000 sf</td>
<td>150,000 sf</td>
<td>150,000 sf</td>
<td></td>
</tr>
<tr>
<td>MINIMUM LOT WIDTH</td>
<td>200 ft</td>
<td>200 ft</td>
<td>200 ft</td>
<td>200 ft</td>
</tr>
<tr>
<td>MINIMUM STREET FRONTAGE</td>
<td>300 ft</td>
<td>300 ft</td>
<td>300 ft</td>
<td>300 ft *(4)</td>
</tr>
<tr>
<td>MINIMUM FRONT YARD, all Buildings</td>
<td>40 ft</td>
<td>40 ft</td>
<td>40 ft</td>
<td>40 ft</td>
</tr>
<tr>
<td>MINIMUM SIDE &amp; REAR YARD,</td>
<td>25 ft</td>
<td>25 ft</td>
<td>25 ft</td>
<td>25 ft</td>
</tr>
<tr>
<td>All Buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAXIMUM BUILDING COVERAGE OF LOT 20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON THE SAME LOT</td>
<td>The height equivalent of the taller building</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NON-RESIDENTIAL USES (exclusive of manufacturing)

| MINIMUM LOT AREA | 90,000 sf | 90,000 sf | 90,000 sf |
| MINIMUM STREET FRONTAGE | 300 ft | 300 ft | 300 ft |
| MINIMUM SIDE AND REAR YARDS | 25 ft | 25 ft | 25 ft |
| MAXIMUM BUILDING COVERAGE OF LOT none | none | none | none |
| MINIMUM FRONT YARDS | 100 ft | 100 ft | 100 ft |

MANUFACTURING USES

| MINIMUM LOT AREA | 90,000 sf |
| MAXIMUM BUILDING COVERAGE OF LOT | *(1) |
| MINIMUM FRONT YARD, all Buildings | 100 ft |
| MINIMUM SIDE AND REAR YARDS | *(2) |
*(1): Maximum Building Coverage – Any manufacturing facility shall provide two square feet of open space for each one square foot of industrial plant space. Industrial plant space shall be the sum total of all floors.

*(2): Minimum Side and Rear Yards – 25 feet or 50% of building height, whichever is greater, except that all such yards abutting residential uses shall be a minimum of 50 feet or the height equivalent of the principal building, whichever is greater.

*(3): Minimum lot size does not include access easement over the front lot.

*(4): Minimum 300 feet of lot line most parallel to the road fronting the front lot.

INDUSTRIAL WASTE - the disposal of industrial waste by any means shall comply with all the laws of the State of Maine concerning pollution, conservation, health, safety, and welfare.

NUISANCE – No manufacturing or industrial activity shall create a nuisance of any kind which shall erode the natural qualities or living environment of the Town. In case of doubt, the Town Selectmen may employ an independent recognized consultant at the expense of the applicant, to assure abatement of nuisance.

2. Off-street parking and Loading
   a. Off-street parking for dwelling, business or accessory use, shall have for each space a minimum of 10 feet by 20 feet, either in open air or in a garage.
   b. The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use.

<table>
<thead>
<tr>
<th>Category</th>
<th>Minimum Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>2 parking spaces for each dwelling unit</td>
</tr>
<tr>
<td>Motels, tourist homes</td>
<td>1 parking space for each sleeping room.</td>
</tr>
<tr>
<td>Hotels</td>
<td>1 parking space for each sleeping room.</td>
</tr>
<tr>
<td>Schools</td>
<td>1 parking space for each room used for purposes of instruction</td>
</tr>
<tr>
<td>Health facilities</td>
<td>1 parking space for each 500 square feet or major fraction thereof of floor area, exclusive of basement.</td>
</tr>
<tr>
<td>Theaters, auditoria, and churches</td>
<td>1 parking space for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats.</td>
</tr>
<tr>
<td>Retail &amp; service stores</td>
<td>1 parking space for each 180 sq. ft. of major leasable area</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 parking space for every 3 seats.</td>
</tr>
<tr>
<td>Offices, professional, businesses and public buildings</td>
<td>1 parking space for each 250 square feet or major fraction thereof, of gross leasable area.</td>
</tr>
<tr>
<td>Industry and manufacturing</td>
<td>1 parking space for each 1.2 employees, based on the highest expected employee occupancy.</td>
</tr>
</tbody>
</table>

   c. Off-street loading: Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used by, and accessible to, such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and industrial uses. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

d. Required off-street parking shall be located on the same lot as the principal building or use.
SECTION 10: Special provisions for Cluster Subdivision Performance Standards – All Districts

These special provisions, related to space and bulk, allow for innovative approaches to housing and environmental design in construction.

A. Notwithstanding other provisions of this ordinance relating to space and bulk, the Planning Board, in reviewing and approving proposed residential subdivisions, may modify said provisions related to space and bulk in order to allow for innovative and environmental approach and design with the following standards. This shall not be construed as granting Variances to relieve hardship:

1. The purpose and intent of this Zoning Ordinance shall be upheld.

2. There shall be compliance with all State and local codes and ordinances.

3. There shall be no approval of any proposed development which exceeds that net residential density allowable in the district in which it is located.

4. Front yard setback requirement shall not be modified by a reduction of more than 50%.

5. Yard requirements between principal buildings shall not be modified to less than the height equivalent of the higher of any two adjacent principal buildings.

6. Frontage requirements shall not be modified by a reduction of more than 75%.

7. Each building shall be an element of an overall plan for site development.

8. Where possible, buildings shall be oriented with respect of scenic vistas, natural landscape features, topography, solar access and natural drainage areas.

9. Development proposals shall include a landscape program to illustrate the proposed treatment of space, roads, paths, service and parking areas. Screening devices shall not impair pedestrian and vehicular safety.

10. All utilities shall be installed underground insofar as practical. All transformer boxes, substations, pumping stations, and meters shall be located and designed as not to be unsightly or hazardous to the public.

11. Residential open space accumulated by modifying space, bulk, and dwelling type requirements within the allowable density limits shall be dedicated to the recreational amenity and environmental enhancement of the subdivision and shall be dedicated and protected as such. Such protections may include private deed covenants or arrangements to preserve the integrity of agricultural open spaces and their use for farming or conservation purposes, including, but not limited to, deeding as an easement or in fee to a land trust or similar not-for-profit organization.

12. After approval of a proposed subdivision there shall be no further subdivision of land within the proposed development which will exceed the allowable net density. This shall be guaranteed by restrictive covenants prepared by the developer who shall provide a draft copy as part of the approval of the subdivision by the Planning Board. The covenants shall be recorded and referred to in all lot deeds in the subdivision and the developer shall provide evidence of the recording of the covenants prior to the issuance of the first building permit in the subdivision.
13. The developer shall file with the Town at the time of submission of final plans a performance guarantee. This may be tendered in the form of a certified check, performance bond or other accepted guarantee to ensure the completion of all required improvements and shall be issued to the Town. The conditions and amount of such check or other performance guarantee shall be determined by the Board of Selectmen with the advice of the various Town departments or agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage or drainage ditches and utilities or other improvements specified in the final plan, and shall be conditioned on the satisfactory completion of all such specified improvements within a period agreed upon by the developer and the Planning Board.

14. For the purposes of this section, the tract or parcel of land involved must be either in single ownership or the subject of an application filed jointly by the owners of all the property included.

B. Corner clearances –
For purposes of traffic safety, in all Districts, between the lines of intersecting streets and a line joining points on such lines, twenty feet distant from their point of intersection, or in the case of a rounded street corner, the point of intersection of their tangents, no building or structure may be erected and no vegetation other than shade trees may be maintained above a height of three feet above the plane through their curb grades. Shade trees shall be pruned to the height of eight feet above grade.

SECTION 11 BOARD OF APPEALS
A. Appointment and Composition –
There shall be a Board of Appeals of five members and one associate member, all of whom shall be residents of the Town. The members of the Board shall be appointed by the Board of Selectmen. Terms of members shall be for 3 years except that initial appointments shall be such that the terms of office of no more than two members shall expire in any single year. The associate member shall be appointed for a term of 3 years and shall act on said Board in place of any member who may be unable to act due to conflict of interest, absence or physical incapacity. The members of the Board shall annually elect one of their number as Chairman to preside at all meetings of the Board. The members of the Board shall annually elect a secretary who shall provide for the keeping of the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the board shall be public record. A quorum shall consist of 3 members.

B. Powers and Duties –
Appeals shall lie from the decision of the Building Inspector to the Board of Appeals and from the Board of Appeals to the Superior Court according to the provisions of the Maine Revised Statutes.

The Board of Appeals shall have the following powers and duties:
1. Administrative Appeals. To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this Ordinance. The action of the Building Inspector may be modified or reversed by the Board of Appeals, by majority vote.

2. Variance Appeals. To hear and decide, upon appeal, in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance would result in undue hardship. (Disability structure variances go before the CEO pursuant to 30-A M.R.S.A 4353 and 4353-A.) Amended 6/18/18

Undue hardship means:
a. That the land in question cannot yield a reasonable return unless a variance is granted; and
b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood and;

c. That the granting of a variance will not alter the essential character of the locality and;

d. That the hardship is not the result of action taken by the applicant or a prior owner.

3. **Miscellaneous Appeals.** To hear and decide appeals which are authorized in the following situations:
   a. Enlargement or re-establishment of a nonconforming use as prescribed by Section 4.
   b. Extension of temporary trailer permit as prescribed by Section 5G.
   c. Construction in the flood plain as prescribed by Section 13.

4. **Conditions.** In granting by majority vote any variance, the Board of Appeals may prescribe conditions and safeguards as are appropriate under this ordinance.

5. **Considerations.** In hearing appeals under this Section, the Board of Appeals shall take into consideration at least the following:
   a. The maintenance of safe and healthful conditions.
   b. The prevention and control of water pollution and sedimentation.
   c. The control of building sites, placement of structures and land use.
   d. The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat.
   e. The compatibility of the proposed use with adjacent land uses.
   f. The need of a particular location for the proposed use.
   g. Access to the site from existing or proposed roads.
   h. The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.
   i. The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.
   j. Existing topographic and drainage features and vegetation cover on the site.
   k. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
   l. The impact of the proposed use on transportation facilities.
   m. The impact of the proposed use on local population and community facilities.
   n. The impact of the proposed use on local water supplies.

6. In granting appeals under this Section, the Board of Appeals may impose such conditions as it deems necessary in furtherance of the intent and purpose of this Ordinance.

7. Before granting any special exception, the Board of Appeals shall refer the appeal application to the Town Planning Board for a report. The Town Planning Board report shall be considered informational in character and may take into consideration the effect of the appeal proposal upon the character of the neighborhood or any other pertinent data in respect of the Comprehensive Plan.

8. The Planning Board report shall be submitted to the Board of Appeals for its consideration no later than the officially scheduled time of the public hearing on the appeal.

C. **Appeal Procedure** Amended 6/18/18

1. In all cases a person aggrieved by a decision of the Building Inspector or Codes Enforcement Officer shall commence his/her appeal within 30 days of the date of the decision. The appeal shall be filed with the Board of Appeals on forms to be approved by the Board, and the aggrieved person shall specifically set forth on said form the grounds for said appeals.
2. Before taking action on any appeal, the Board of Appeals shall hold a public hearing. In special exception appeals the Board of Appeals shall notify by mail the owners of all property within 500 feet of the property involved of the nature of the appeal and of the time and place of the public hearing thereon.

3. In the case of administrative or variance appeals, the Board of Appeals shall notify by mail the owners of property abutting the property for which an appeal is taken of the nature of the appeal and of the time and place of the public hearing thereon.

4. For purposes of this Section, the owners of property to be notified shall be considered to be the parties listed by the Assessor of Taxes as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

5. Following the filing of an appeal, the Board of Appeals shall notify forthwith the Building Inspector/Code Enforcement Officer and the Planning Board, and the appeal shall be in order for hearing at the next meeting of the Board of Appeals following by at least 10 days the mailing of notices.

6. At any hearing a party may appear by agent or attorney. Hearing shall not be continued to other times except for good cause.

7. The Building Inspector or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

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

9. A right of Appeal under the provisions of this Ordinance secured by vote the Board of Appeals shall expire if the work or change involved is not commenced within six months of the date of which the appeal is granted, and if the work of change is not substantially completed within one year of the date on which such appeal is granted. If the Board of Appeals grants a variance, the applicant must record a copy of the variance in the Registry of Deeds within 90 days of final written approval of the variance of the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.

10. If the Board of Appeals shall deny an appeal, a second appeal of a similar nature shall not be brought before the Board within six months from the date of denial by the Board of the first appeal, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward, or unless the Board finds, in its sole and exclusive judgement, that an error or mistake of law or misunderstanding of facts shall have been made.

D. **Fees—Amended 6/18/18**

A request for a hearing before the Board of Appeals shall be accompanied by a fee (see fee schedule) payable in advance by the aggrieved party or parties. In the case of an Administrative Appeal as defined in this Ordinance in Article 3, Section 11.B.1, Administrative Appeals, the entire fee will be returned to the aggrieved party upon a favorable finding by the Board. In all other cases the fee is non-refundable.
E. Special Exceptions. The Planning Board will hear and decide only those special exceptions which are authorized by the Ordinance and which are specifically listed as special exceptions. To decide such questions as are involved in determining whether such special exceptions should be granted; and by majority vote to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, and Article 4. Site Plan Review Ordinance; or to deny such special exceptions that do not comply with the requirements of this Ordinance and 5. Considerations. Appeals of Special Exceptions shall lie from the Planning Board to the Board of Appeals and from the Board of Appeals to the Superior Court according to the provisions of the Maine revised Statutes. Amended 6/18/18

Section 12 – Signs

A. Purpose
This section is intended to:
1. Promote the public safety and welfare
2. Protect property values by providing standards to control the location, area, number, overall design of signs and illumination in accordance with International Dark Sky Association (IDA), www.IDA.org recommendations.
3. Prevent undue distraction of motorists and pedestrians
4. Ensure compatibility of signs with allowed land uses

B. General Requirements – All Districts
1. Permitting
   a. No business sign may be erected, altered or relocated without issuance of a permit from the Code Enforcement Officer.
   b. Fees for signs shall be set by order of the Board of Selectmen;

2. Design
   a. All signs are encouraged to be consistent with and proportional to those in the neighborhood of the property or of the town if none exist in the area.
   b. All business signs shall be made of wood, metal, natural materials or contemporary materials that have the appearance of traditional materials.

3. Lighting
   a. Signs may be illuminated by shielded, non-flashing, non-moving lights.
   b. All lighting of signs is to be from above; the light source shielded so it is not visible to traffic or off property. The amount of luminance from any sign shall not exceed 1 foot-candle beyond any lot line.
   c. All exterior lighting shall be turned on no earlier than one hour before opening of business and turned off no later than one hour after the closing of business, except for necessary security lighting.

4. Location
   a. No sign, other than official street or highway signs, shall be erected or maintained within street or highway right-of-ways.
   b. No sign shall be placed so as to interfere in any way with the vision of pedestrian or vehicular traffic, traffic signals or signs, or obscure a clear view of, or confuse with, official street signs, highway signs or signals.
   c. All signs must be on owner’s property and no part within the public right-of-way.
   d. e. Wall signs shall occupy no more than twenty-five percent of the wall to which they are affixed or attached, or shall not exceed the maximum sign area allowed in that District, whichever is less.
5. **Size**
   a. The measurement of a sign area shall be based upon the outer perimeter of all boards, panels or sheets of material, but does not include the supporting posts or structural elements outside the limits of the sign perimeter.
   b. **Residential Use – All districts**
      b.1. A single sign, either attached to a building or freestanding, shall not be over sixteen square feet in area and shall be located in the front yard. Freestanding signs may have content on both sides of the sign board. On corner lots a single sign may be in either yard having road frontage, but not both yards.
      b.2. A maximum of two detached signs located in front yard describing farm products raised or produced on premises. The display area of each sign shall not exceed twenty square feet, except that a single double-faced sign may be erected with a display area not to exceed twenty square feet on each side.
      b.3. Maximum height of free-standing signs shall be no more than six feet.
   c. **Non-Residential Use**
      c.1. Attached, detached, or projecting signs, single or double-faced, identifying uses or goods sold or services rendered on the premises, a maximum of thirty two square feet in area.
      c.2. A shopping center developed under a single ownership may have a single freestanding sign with a maximum of sixty four square feet area on each side. Each unit may have an attached sign with a maximum of six square feet in area.
      c.3. The top-most part of any detached signs shall not be of elevation greater than twenty feet above the level of the ground on which they are erected.

C. **Permitted – All Districts**
   1. Temporary event information signs may be placed in street right-of-ways at least five feet from the traveled way, no more than five days before the event and removed within forty eight hours after event ends. Maximum sign area is four square feet.
   2. No trespassing/hunting signs.
   3. Trail markers.
   4. Temporary or permanent state or municipal signs.
   5. Historical designation signs.
   6. Temporary realtor’s or contractor’s signs, maximum area four square feet.
   7. Private property control/use signs.
   8. Political signs concerning candidates for elective office, political messages related to an election or a ballot measure in any local, state or federal election. Such signs in any number and of any size less than the maximum normally allowed in the district, may be erected on public property so long as they do not detract from pedestrian or vehicle operator’s safety. Such signs may be placed six weeks before an election and shall be removed within one week after an election.

D. **Prohibited – All Districts**
   1. Billboards, all districts.
   2. Internally lighted signs.
   3. Signs with moving parts or signs that appear to have moving parts.
   4. Flashing signs – signs when lighted shall be continuously lit.
5. Changeable signs – any sign that periodically changes its message by any means, including mechanically, electronically or digitally, including time-and-temperature signs.

E. Maintenance and Removal
1. All signs and their supporting structures shall be properly maintained in safe, presentable and good structural condition
2. Signs no longer applicable because of business termination, change or relocation shall be removed by the owner or lessee within thirty days.
3. Failure comply with the requirements of this Ordinance within thirty days of written notice from the Code Enforcement Officer shall be considered a violation and may result and enforcement action.

SECTION 13 FLOODPLAIN
A. To protect natural floodplain, prevent pollution and conserve natural resources, no construction or other development shall be performed in floodplain areas defined in Pownal by the Federal Emergency Management Agency in a report entitled, “Flood Insurance Report, Town of Pownal, Map, Cumberland County,” dated December 2, 1980, with accompanying “Flood Insurance Rate Map” without written approval obtained from the Code Enforcement Officer of and in accordance with the current Floodplain Management Ordinance.

SECTION 14 HEIGHT RESTRICTIONS
A. No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is lower, except that these height requirements shall not apply to farm buildings not used for human habitation, windmills, flagpoles, wind power generators or communications towers.

SECTION 15 SAFETY STANDARDS FOR MANUFACTURED HOUSING
These standards shall apply to all mobile homes built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, Title 42 U.S.C.A, Chapter 70, as amended, to be located on an individual lot or in a mobile home park. The owner of the mobile home unit shall have the burden of proving that these standards are met.

1. Exit Facilities – Exterior Door
   a. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
   b. Homes shall have a minimum of two exterior doors not less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
   c. All exterior swinging doors shall provide a minimum of 28 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum 28 inches wide by 72 inches high clear opening. Locks shall not require the use of a key for operation from the inside.

2. Exit Facilities – Egress Windows and Devices
   Homes shall have the following emergency egress facilities:
   a. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of AAMA 1704-1985.
   b. The bottom of the window opening shall not be more than 36 inches above the floor.
   c. Locks, latches, operating handles, tabs and any other window, screen or storm devices, which need to be operated in order to allow exiting, shall not be located in excess of 54 inches from the finished floor.

3. Interior Doors
Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to allow entry when the lock has been locked by a locking knob, lever, button, or other locking devices on the inside.

4. Fire Detection Equipment
At least one smoke detector (which may be single station alarm device) shall be installed in the home in the following locations:
   a. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
   b. When located in hallways, the detector shall be between the return air intake and the living area.
   c. The smoke detector shall not be places in a location which impairs its effectiveness.
   d. Smoke detectors shall be labeled as conforming to the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended for single and multiple station smoke detectors.
   e. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the overcurrent protection device protecting the branch circuit and the detector. The smoke detector shall not be places on the same branch circuit or any circuit protected by a ground fault circuit interrupter.

5. Flame Spread
   a. Ceiling interior finish shall not have a flame spread rating exceeding 75.
   b. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not exceeding 25. Sealants and other trim material two inches or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
   c. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
   d. Kitchen cabinet doors, countertops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not to exceed 200.
   e. Finish surfaces or plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread of 200.
   f. No burner of a surface cooking unit shall be closer than 12 horizontal inches to a window or an exterior door.
6. Kitchen Cabinet Protectors
   a. The bottom and side of combustible kitchen cabinets over cooking ranges to a horizontal distance of six inches from the outside edge of the cooking range shall be protected with at least 5/16-inch thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a 3-inch eyebrow projecting horizontally from the front cabinet face. The 5/16-inch thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8-inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.

   b. The metal hood will not be required if there is an oven installed between the cabinet and the range.

   c. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

7. Carpeting
   Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

8. Roof Loads
   All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of a State of Maine winter or wind uplifts that may occur.

9. Heating and Fuel Burning System
   Any or all heating systems shall meet the requirements of the NFPA or other applicable state, local and federal standards.

10. Electrical System
    A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.