

Guilford Land use Zoning Ordinance

Enacted March 15, 2004

Amended 3/16/2015

Section 1. EFFECTIVE DATE:

The effective date of this ordinance is March 15, 2004. A certified copy of this ordinance shall be filed with the Piscataquis County Registry of Deeds and the State Planning Office, pursuant to state law. Amended March 16, 2015.

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.

This ordinance may be amended by a majority of vote of the governing body, and said amendments shall be filed with the state planning office and the Piscataquis County Registry of Deeds.

Section 2. PURPOSES OF ORDINANCE:

To further the maintenance of safe and healthful conditions:

To prevent and control water pollution:

To conserve land and water resources:

To retain our town's rural aspect:

To conserve shore cover, visual as well as actual points of access to inland waters, and natural beauty:

To enhance the environmental quality of our town:

To control building sites, placement of structures, and land use:

To provide for sound economic development and prevent development that might cause an unreasonable tax burden on the people of the town.

Section 3. APPLICABILITY:

This ordinance applies to all land areas within the town of Guilford. These regulations require that an application for a permit must be submitted prior to commencing any of the following land uses or activities.

1. Any residential dwelling whether seasonal or year round.
2. Any subdivision of land.
3. Any commercial or industrial development, (public campgrounds and public utilities are considered in this class.
4. Any private sewage disposal system.
5. Any quarry, gravel pit, sod farm, or other operation which involves excavation of 10 cubic yards or more of soil or bedrock, including road construction.
6. Any State Hwy access requires a DOT permit prior to a town permit.
7. Any structure 100 square feet or more, free standing or an addition.
8. Uses which in the opinion of the Planning Board, are similar to any of the above.
9. Any structure, regardless of total square footage, which requires or adds the installation of electrical power.

Any lawful use existing at the effective date of this Ordinance or amendments hereto may continue and may be maintained, repaired, and improved. Should a land use be expanded or changed to another land use, or discontinued for a period of 12 (twelve) calendar months or more; then it shall be subject to these regulations.

Section 4. LAND USE STANDARDS:

A. Soils:

All land uses shall be located on soils in or upon which the proposed uses or Structures can be constructed, maintained, and used without causing severe erosion, mass soil movement, or water pollution. If said land use or structures are proposed to be located on soils mapped as having severe or very severe limitations by the Soil Conservation Service, the applicant shall provide detailed technical information showing how the limitations are to be overcome.

B. Lot Requirements:

1a. The minimum lot size outside the municipal water or sewer districts shall be sixty thousand (60,000) square feet with a road frontage of two hundred (200) feet. All other lots shall have a road frontage at the rate of at least thirty percent (30%) of the depth of the lot, with the exceptions of owned right of ways which shall be a minimum of fifty (50) feet. Buildings constructed as or used as multi-family dwellings, whether horizontal (single story) or vertical (duplex type) construction shall be allowed on such minimum sized lot providing there is at least six hundred (600) square feet of parking available per unit.

1b. All buildings and structures outside the municipal water or sewer district shall be set back at least (75) feet from the center of any public road or public right of way, except when building on, adding to, or expanding an existing building or structure closer than (75) feet, as long as the new construction is on the back side directly away from the public road or public right of way, and at least (10) feet from adjoining property lines.

2a. Where the municipal water or sewer district is available the lot size shall be (12,000) square feet with 75 foot frontage. Buildings constructed as or used as multi-family dwellings, whether horizontal (single story) or vertical (duplex type) construction shall be allowed on such minimum sized lot providing there is at least six hundred (600) square feet of parking available per unit.

2b. All buildings and structures within the municipal water or sewer district shall be set back at least thirty (30) feet from a public way, and ten (10) feet from adjoining property lines.

3. If more than one dwelling unit is to be built on a single parcel, the minimum lot size requirement shall be met for each additional unit except where buildings are constructed for purposes of multifamily housing.

4. **Campgrounds.** In addition to State requirements, campgrounds shall have at least (5,000) square feet of area for each camping site, roadways excluded. Sites for buildings, vehicles, shelters, or tents shall be at least (100) feet from normal high water levels.

C. Erosion and Sedimentation Control:

Filling, grading, lagooning, dredging, earth-moving, and other land use activities shall be conducted in a manner to prevent, to the maximum extent possible, soil erosion. All construction shall be in conformance with the provisions of the Environmental Quality handbook for Erosion and Sediment Control, published by the Maine Soil and Water Conservation Commission.

D. Timber Harvesting:

Timber harvesting shall be conducted in such a manner that soil erosion and water sedimentation shall be kept to a minimum. Camp grounds, logging roads, and all other roads for private use shall be located, constructed, and maintained in conformance with Lot Management, published by U.S.D.A. in 1973 or subsequent revisions thereof.

E. Signs and Towers:

Billboards and signs in relation to goods and services not rendered on the premises are prohibited. There shall be no more than two (2) signs per premises, they shall not extend higher than 40 feet above the ground, and may be illuminated only by shielded, non-flashing lights. A tower must be 100 feet plus the height of the tower from any structure, dwelling or public right of way and meet the current lot size minimum.

F. Sanitary Standards:

Refer to current State Plumbing Code.

G. Manure Disposal:

All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for manure and manure sludge disposal on land, published by the University of Maine and the Maine Soil and Water Conservation Commission, in July 1972 or subsequent revisions thereof.

H. Shore Land Use:

Refer to Shoreland Zone Ordinance.

I. Livestock and Poultry:

There shall be no Livestock or Poultry, including ducks, geese and other domestic fowl, but not including chickens, (refer to Section J. below,) permitted in the Town of Guilford within the municipal Water or Sewer districts, with the exception that if the lot is 5 acres or more the Planning Board will have the authority to grant a variance to

this Livestock part of this section if the Board deems it is in the best interest of the town and equitable as much as is reasonable to all parties concerned, using **Section 5.B.4. A-K** as a guide line.

J. Chickens:

The purpose of this section is to provide standards for the keeping of domesticated chickens within the area known as the “sewer and water district”. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

1. Permit Required

- a. An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.
- b. An annual administrative fee of \$10.00 shall be collected.
- c. An applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards in this section in order to obtain a permit.
- d. Any applicant who rents their residence needs to have written permission from the land owner. The authorization letter from the landlord will be attached to the permit and a copy of the permit will be mailed to the landlord after it has been approved.

2. Number and Type of Chickens Allowed

- a. The maximum number of chickens allowed is twelve (12) per lot regardless of number of dwelling units on the lot.
- b. Only female chickens are allowed. There is no restriction on chicken species.

3. Non-Commercial Use Only

Chickens shall be kept for personal use only; no person shall engage in chicken breeding or fertilizer production for commercial purposes.

4. Enclosures

- a. Chickens must be kept in an enclosure or fenced area (chicken pen) at all times during daylight hours in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact. Enclosures must be clean, dry, reasonably odor free and kept in a neat and sanitary condition at all times, The chicken pen must provide for adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing buried at least 12” in the ground. The pen must be covered with wire, aviary netting, or solid roofing. The use of chicken wire is not permitted.

- b. Chickens shall be secured within a henhouse during non-daylight hours.

1. Any henhouse shall be at least twenty-five (25) feet from any residential structure or any other premises on any adjacent lots. The structure shall be

enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of less than one (1) inch openings. Whether the birds have an inside pen, an outside pen or a tractor coop, birds will have 4 square feet per bird.

2. The location of the henhouse needs to meet the twenty five (25) foot setback. Henhouses are not allowed to be located in any part of the home.

5. Odor and Noise Impacts

- a. Odors from chickens, chicken manure, or other chicken-related substances shall not be offensive at the property boundaries in the opinion of the code enforcement officer or animal control officer.
- b. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

6. Predators, rodents, insects, and parasites.

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites that may result in unhealthy conditions to human habitation. Chickens may be removed by the Town, through the animal control officer and the cost of the same shall be borne by the property owner and or/chicken owner.

7. Feed and Water

Chickens must be provided with access to feed and clean water at all times.

8. Waste Storage and Removal

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container. No more than one, twenty gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings.

9. Fees for Re-inspections

The town will re-inspect the property each year to determine whether violations, if any, have been fixed in compliance with this section. Failure to correct the violation shall result in a penalty imposed pursuant to section 10 below.

10. Penalties

- a. In addition to any other enforcement action which the town may take, violation of any provision of this article shall be a civil violation and a fine of fifty dollars (\$50.00) shall be imposed for the first offense. For a second offense, a fine of one-hundred dollars (\$100.00) shall be imposed. A third offense will result in forfeiture of all chickens. Each day that a violation

continues will be treated as a separate offense. This penalty is in addition to any expense for re-inspection of the property.

- b. If the violations have not been fixed in compliance with this section, the violator shall lose the right raise chickens.

11. Revocation of permit

A permit to keep chickens may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law.

12. Removal of Chickens

In addition to the penalty stated in section 10, any violation of the provisions of this article shall be grounds for an order from the town to remove the chickens and the chicken-related structures.

J. Establishing Residence:

1a. **Foundations:** All types of residential dwelling units, whether stick built or manufactured housing, including but not limited to mobile homes and double wide modular homes of all types, must be placed on a concrete pad or full concrete foundation which shall be at least the same dimensions as the foot print of the structure being placed thereon.

1b. Further, any mobile home situated as either new or as a replacement for any existing or previously existing dwelling, shall be required to meet this standard of J.1a and shall have proper ground anchoring or storm tie downs as defined below, and shall not be exempted as “grandfathered.”

- i) Over the top ground anchoring locations are required within 2 feet of the both ends of the manufactured home and at every 12 feet along each side as measured from the first ground anchor at the tongue end of the unit.
- ii) all components of the ground anchoring system described in J1b shall be capable of carrying a force of 4800 pounds.

1b. The Planning Board reserves the right to issue a variance from Section 4. **J.1a.** of the ordinance provided that the applicant presents the board or Code Enforcement Officer with a suitable alternative structure support plan.

2a. **Septic systems:** The required septic system shall be in the ground prior to placement of the structure.

2b. The Planning Board reserves the right to issue a variance from Section 4. **J.2a.** of the ordinance provided that the applicant presents the board or Code Enforcement Officer with a suitable schedule for installation of the required septic system.

Section 5.

ADMINISTRATION

A. Administrative Agents and Boards:

There is hereby created a Board of Appeals of the Town of Guilford pursuant to the provisions of state law.

A code enforcement officer will provide information of the state statutes and regulations involving the following: Site Location Law, Subdivisions, Shoreland Zoning, Forest Land Farm Open Space Tax Law, Timber Harvesting, Residential Lots, Air Quality Standards, Water Quality Standards, Automobile Graveyards, Junkyards and Dumps, Sewage Systems, and Waste Disposals, Plumbing Inspector and regulations, Signs, Alterations of Lake Shores or Stream banks, Mineral Exploration, Comprehensive Planning and Nuisances, Fire Prevention, Pesticides, and Campgrounds to the Planning Board .

B. Permits:

1. Permits Required:

After the effective date of this Ordinance no person shall engage in any use of land requiring a permit in the district which it would occur, or expand or change an existing non conforming use, without first obtaining a permit.

2. Permit Applications:

These permit application steps are to insure complete installation of approval plans before occupancy.

1. Acquire a Land Use Zoning Ordinance Application.
2. Site analysis, septic design.
3. Plumbing permit from local inspector.
4. Acquire land use zoning ordinance approval from CEO, if applicable.
5. Have septic system installed and inspected by LPI.
6. Submit an installation of electric service, if applicable.

3. The Board of Selectmen shall have the authority to set fees for all land use permits

4. Plumbing permit required prior to building permits.

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a permit for such facilities has been secured by the applicant or his authorized agent, according to the requirements of this Ordinance.

5. Approval of Permits:

Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this ordinance. All permits shall either be approved or denied within 60, days of receipt of a completed application, including all information requested.

The Planning Board may delegate authorization to the Code Enforcement Officer to approve or deny any land use permit in conformance with the provisions of this ordinance; all applications shall be reviewed by the Planning Board.

The Planning Board or Code Enforcement Officer may, after submission of a complete application including all information requested, grant a permit if it makes a positive finding based on the information presented to it that, the proposed use:

- A. Will not result in unsafe or unhealthful conditions.
- B. Will not result in erosion or sedimentation.
- C. Will not result in water pollution.
- D. Will not result in damage to spawning grounds, fish, and aquatic life, bird, and other wildlife habitat.
- E. Will conserve shoreland vegetation.
- F. Will conserve actual points of access to waters as viewed from public facilities.
- G. Will conserve actual points of public access to waters.
- H. Will conserve natural beauty and environmental quality.
- I. Will avoid problems associated with flood plain development use.
- J. Will not result in an unreasonable tax burden on the people of the town, and
- K. Is in conformance with the Land Use Standards of this Ordinance.

6. Condition:

Permits granted under this Section may be subject to reasonable conditions to ensure conformity with the purposes and provision of this Ordinance. If this Ordinance conflicts with any other local or State Ordinance, then the more stringent regulation shall apply.

C. Appeals and Variances:

1. Variances:

The Board of Appeals may, upon written application of the affected land owner, grant a variance from the strict application of the terms of this Ordinance if said terms would result in undue hardship to the applicant or would not be in the best interest of the town; provided that the hardship is not the result of action taken by the applicant or a prior owner, and that clear and convincing evidence shall be presented to the Board of Appeals showing that the proposed use would meet the provisions of Section 5-B, subsection 4, paragraph A-K.

2. Appeals to Board of Appeals:

The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this Ordinance. Such hearings shall be held in accordance with State Laws. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to the specific provisions on this Ordinance, and that all four of the hardship criteria listed on the Application for Appeal are met.

3. The Board of appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property using the guide lines of: Section 16. G, 2, D & E, of the Shoreland Zone Ordinance.

4. Appeal to Superior Court:

An appeal may be taken within thirty days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State Law.

D. Enforcement:

1. Nuisances:

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

2. Code Enforcement Officer:

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notice shall be forwarded to the Town Manager, Planning Board and be filed under Map and Lot as a permanent record.

3. Legal Actions:

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violation and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

4. Fines.

Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of up to \$100.00 for each violation, Section J., 10, a. excepted and applied as per said section. Each day such a violation is continued is a separate offense.

SECTION 6.

DEFINITIONS:

Terms not defined herein shall have the customary dictionary meaning. As used in this Ordinance, the following shall apply:

Aggrieved Party:

A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under the Ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of five, or more citizens of the municipality who represent an interest adverse to the grant or denial of such permit or variance.

Ground Anchor:

A device used to anchor a manufactured home, mobile home or trailer to its foundation so as to resist flotation, collapse, or lateral movement. Each component must be rated to 4800 pounds carry force.

Manufactured Home, Mobile Home or Trailer:

A detached, totally self-contained residential dwelling unit as originally constructed or designed for transportation by a motor vehicle upon a public way. It is designed, equipped and used primarily for sleeping, eating and living quarters or as intended to be so used after arriving at a site where it is to be occupied as a dwelling and includes any additions, attachment annexes, foundations and appurtenances. It shall not include similarly prefabricated modular or unitized dwellings placed on permanent foundations nor shall it include travel trailers, campers or similar units designed for recreation or other short-term uses.

Normal High Water Mark of Inland Waters:

That line of the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial, (by the way of illustration aquatic vegetation includes, but is not limited to, the following plants and plant groups- water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses.)

Pond:

Any inland body of water which has a surface area in excess of 10 acres, except where such body of water is man-made and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

Residential Dwelling Unit:

A room or group of rooms designed and equipped exclusively for use as a permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes.

Road:

A route of track for motorized vehicles consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed by earth moving activities such as bull dozing, placement of culverts, and placement of fill.

Structure:

Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.

Sign:

A sign's content must be acceptable to the Board, whether picture, logo, or words. A sign shall be free standing. All advertising visible from the street, in or on buildings must comply with part A of this sign definition.

Timber Harvesting:

The cutting and removal of trees from their growing site. Timber harvesting does not include the clearing of land for approved construction, creation of an agricultural field, residential lot clearing, or the construction of roads.

Tower:

A structure over 100 feet in height, measured from the ground.