

TOWN OF JONESPORT
WASHINGTON COUNTY, MAINE
LAND USE AND DEVELOPMENT ORDINANCE



Updated: 05/19/2015
Updated 03/12/2018 - IFR
Road Proclamation attached per Town Meeting 03/11/2019 - IFR
Updated 6/17/2019 – PAB
Updated March 14, 2022 - IFR

LAND USE AND DEVELOPMENT ORDINANCE

TABLE OF CONTENTS

Section 1. Purpose..... pg 3

Section 2. Authority..... pg 3

Section 3. Applicability..... pg 3

Section 4. Non-Conforming Uses..... pg 3

Section 5. Procedures..... pg 3

Section 6. Performance Standards..... pg 4

Section 7. Additional Standards..... pg 4

A. Dimensional Requirements..... pg 4

B. Off-Road Parking..... pg 5

C. Roads..... pg 5

D. Mobile Homes..... pg 5

E. Road Buffers..... pg 6

Section 8. Waivers..... pg 6

Section 9. Enforcement..... pg 6

A. Nuisances..... pg 6

B. Code Enforcement Officer..... pg 6

C. Legal Action..... pg 6

D. Fines..... pg 6

E. Appeals..... pg 7

Section 10. Validity and Severability..... pg 7

Section 11. Conflicts with Other Ordinances..... pg 7

Section 12. Amendments..... pg 7

Section 13. Effective Date..... pg 7

Section 14. Definition of Terms Used In This Ordinance..... pg 7

Section 15. Table of Land Uses..... pg 8

References from Town Clerk town Meeting Minutes..... pg 10

Amended Road Proclamation..... pg 14

References from Planning Board Public Hearing on Ordinance Amendments 02/23/2022 and Annual
Town Meeting Minutes pg 15

TOWN OF JONESPORT
Washington County, Maine
LAND USE AND DEVELOPMENT ORDINANCE

NOTE: Original Ordinance adopted on 1/19/1988 by the Town of Jonesport. References from Town Clerk Minutes are included from January 19, 1988 to March 14, 2022. Please note last pages of the Ordinance.

Section 1. PURPOSE

To protect property owners in the Town of Jonesport from new uses of land or structures which would make their own property less desirable; to protect the established character, social and economic stability of the Town of Jonesport; to give the people of the Town an opportunity to be made aware and to comment upon the new uses of land or structures before such use occurs.

Section 2. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided in Article VIII-A of the Maine Constitution and Title 30, Maine Revised Statutes Annotated, Section 1917.

Section 3. APPLICABILITY

This Ordinance shall apply to all proposals for new structures, and to proposals for enlargement of existing structures, and to all new uses of land, except agriculture and forest management activities, and single story outbuildings of one hundred (100) square feet or less that meet all performance standards listed in Section 6. Performance Standards and Section 7. Additional Standards.. See Table of Land Uses, Section 15 for more specific information. (Amended: 3/12/90) Amended March 12, 2018. (Amended March 14, 2022. Changes in Italics).

Section 4: NON-CONFORMING USES

- A. Structures and land uses lawful at the time of adoption or amendment of the Ordinance, may continue even though such uses do not conform to the provisions of this Ordinance.
- B. A non-conforming structure or use may be maintained or improved, but the area in non-conforming use may not be extended or expanded except in conformity with the provisions of the Ordinance.
- C. *A permit from the Planning Board for replacement of a non-conforming structure is required before the existing structure is removed. (Amended 03/14/2022)*
- D. *A non-conforming structure or use which is removed without a permit may not be replaced unless a waiver is granted under the provisions of Section 8 of the Ordinance. (Added 03/14/22)*

Section 5. PROCEDURES

A-1. Before any activity to which this Ordinance applies, an application shall be filed with the Planning Board for review. The application to the Planning Board shall be accompanied by a fee according to the revised fee schedule and payable to the Town of Jonesport:

| | |
|-----------------|-------------------------------|
| 0-100 sq ft | \$ 0.00 (Amended 03/14/22) |
| 101-500 sq ft | \$ 25.00 (Amended 03/14/2022) |
| 501-1500 sq ft | \$ 50.00 |
| 1501-3500 sq ft | \$100.00 |
| 3501+ sq ft | \$200.00 (Amended: 3/08/2004) |

CEO and Building Permit fees *to be assessed an additional \$300.00* for “after the fact” projects. Windmills shall file a 200+Square Footage application regardless of the size.(Added 3/09/2015). (Amended 03/14/22)

A-2. Also, a Code Enforcement Office Inspection form must accompany each permit application. A CEO fee of \$150.00 (changed from \$100. Amended 03/14/22)to be made payable to the Treasurer, Town of Jonesport, *which includes the certificate of compliance inspection*. For structures under 200 square feet, a fee of \$50.00 will be charged. The application will not be considered without the accompanied fee. Within 30 days of receiving an application, the Planning Board or Code Enforcement Officer shall notify the applicant that the application is complete or if specific additional material is needed to make it complete. Application forms are available at the

Town Office. Permits are not transferable. Existing permits expire upon transfer of ownership. (Amended: A-1 & A-2 on 3/12/1990, 3/10/2003 and A-2 on 3/12/2007).(Amended 03/14/22)

B. Once the application is completed, the Planning Board shall set a time and place for a meeting for considering it and will notify the applicant.

C. The Planning Board shall post notices of proposals and meetings in the Town Office and publish them in a local newspaper. The ~~Planning Board Applicant~~ will inform abutters of proposals ~~only~~ *by certified return receipt mail* where major development will occur such as multi-dwelling units or commercial structure. *The returned receipt will become part of the application.* (Amended: 6/17/2002) (Amended 03/14/2022)

D. The Planning Board may hold a public hearing on the proposal within 30 days of receipt of the application, if it feels such a hearing will be helpful in considering the proposal. If requested by one or more abutters, the Board shall hold a public hearing.

E. Within 30 days of the public hearing, the Planning Board shall either approve, approve with conditions, or disapprove the application. This time limit for review may be extended by mutual agreement between the Planning Board and the applicant.(Amended 03/14/22)

F. All structures over two hundred (200) square feet requiring a building permit shall require a Certificate of Compliance from the Code Enforcement Officer. The Certificate of Compliance shall be granted for structures that are constructed according to the building permit that was granted by the Planning Board. (Amended: 6/12/1989)

Section 6. PERFORMANCE STANDARDS

The following standards shall be used by the Planning Board for judging an application and shall serve as minimum requirements for approval of the proposal unless a waiver is granted in accordance with Section 8 of the Ordinance.

A. Neighborhood Impact: The development shall not have any unnecessary adverse impact upon the neighborhood, and shall not be detrimental, injurious, noxious, or offensive to neighboring properties, especially residences. The development shall have sufficient setbacks, screening, fencing, plantings, or open space to minimize unavoidable adverse impact upon neighboring properties.

B. Vehicular Access: The proposed site layout shall provide for safe access and egress from public or private roads.

C. Parking: Adequate off-road parking shall be provided. (See Section 7, Paragraph B for requirements.)

D. Surface Water Drainage: Adequate provision shall be made so that removal of surface waters will not adversely affect neighboring properties, streams, or drainage systems.

E. Exterior Lighting: All exterior lighting shall be designed to minimize adverse impact on neighboring properties.

F. Signs: Signs shall be designed and located to minimize adverse impact upon neighboring properties.

G. Town Services: The development shall not have an adverse impact upon roads, fire, police, solid waste program, schools, open spaces, recreational facilities, or other town services and facilities.

H. Natural Environment: The proposal has received all necessary State and Federal environmental approvals.

I. Automobile Graveyards or Junkyards: No "automobile graveyards" or "junkyard" shall be established, operated or maintained, or permitted by the owner of any land to be established, operated or maintained within six hundred (600) feet of the right of way of highway Route 187 within the municipality of Jonesport. (Amended: 6/12/1989)

J. Land Clearing: Land developers and (all land owners) shall be responsible for debris from clearing land. Debris disposal shall be at the owner's expense, on site or other satisfactory means; not on the municipal landfill (dumpsite). (Amended: 3/11/1991)

Section 7. ADDITIONAL STANDARDS

A. Dimensional Requirements:

1. State Roads: All structures shall be set back outside of the State of Maine, Department of Transportation right-of-way (ROW) established for a given road. Route 187 is a State road. Most of Route 187 within the Jonesport Municipal boundaries has a ROW of sixty-six feet (66'). Setback requirements measure thirty-

three feet (33') in a perpendicular direction from the centerline of the road. However, portions of Route 187 have a wider ROW.

2. Town Roads: All structures shall be set back a minimum of thirty-three feet (33') in a perpendicular direction from the centerline of the road.

3. Notwithstanding A(2), On Town Roads, in any case in which a house is to be situated between two other houses, fronting on the same street as the proposed house, each of which is not more than two hundred feet (200') distant and both of which have less than the required front yard setback, then the required front yard setback of the proposed house may be reduced to the average setback of the two adjoining houses.

4. Private Roads: All structures shall be set back a minimum of ten feet (10') from the outside edge of the travel lane. The width of the travel lane of a private road will be determined through interpretation of language contained in the land deed(s). At the Annual Town Meeting, March 11, 2019, the Town of Jonesport amended this Ordinance to include the Road Proclamation, which is attached, signed by the Selectmen on October 31, 2018

5. When no road exists, all structures, *including new roads and driveways*, shall be set back a minimum of ten feet (10') from all property boundaries. (#1-5 Amended: 6/9/2009) (Amended 03/14/2022) (*Dimensional requirement numbers 6,7,8 and 9 repealed by vote May 18, 2015*)

10. Tower (see definition) shall have setbacks of 1.5 times the max height of the tower and equipment. (Added 03/09/2015)

B. Off-Road Parking:

1. At least two (2) off-road parking spaces shall be provided per dwelling unit for all new or expanded residential structures. Each space shall be at least ten (10) feet by twenty (20) feet. (Amended: 6/17/2002)

2. New commercial and industrial development shall provide ample parking spaces on the premises to accommodate vehicles of employees and customers, and such spaces shall not be located closer than ten (10) feet from any lot line, and shall be designed so as to minimize backing or maneuvering in a public road or street.

C. Roads:

Roads serving new development and which may become Town roads shall meet the following standards.

1. Roads shall be located, constructed, and maintained in such a manner that erosion is minimized.

2. All roads shall have a right-of-way of at least fifty (50) feet and a roadway width of at least eighteen (18) feet centered on the right-of-way.

3. Dead end roads must have a turn-around with a right-of-way radius of at least forty-five (45) feet and a maintained radius for forty (40) feet. (Amended: 3/12/1990)

4. Roads shall be arranged to provide for extension or connection of an eventual necessary road system. (Amended: 3/12/1990)

5. The grade of all roads must be at least one percent (1%) but less than nine percent (9%).

6. Intersections shall be as nearly as possible at right angles and shall have a curved radius between the intersecting right-of-way lines of twenty (20) feet.

7. Roads shall have a four-inch (4") crown, and an eighteen inch (18") to twenty-four inch (24") base.

8. Bituminous paving or other surface treatment shall be required. (Amended: 3/12/1990)

9. A permit shall not be required for placement of gravel for repair and maintenance of existing roadways or driveways. (Amended: 6/22/1992)

D. Mobile Homes:

1. Permanent:

Placement or location of mobile homes shall be permitted on any lot which meets the Minimum Lot Size Requirements of this Ordinance provided such mobile homes shall be in conformance with other applicable provisions of the Ordinance and State regulations. (Amended: 3/12/1990)

2. Temporary:

Mobile home units, which must be utilized as temporary housing for construction, following completion, Selectmen may cause said units to be removed at the expense of the party responsible for initial placement of said units. *Following completion of the construction and certificate of compliance inspection, must be removed within 60 days at the expense of the party responsible.* (Amended 03/14/2022)

E. Road Buffers:

Excluding State roads, the boundaries of a parcel of land, running with a road within the boundary of the Town may be delineated with a boundary marker as follows.

1. On Town Roads, whether paved or gravel, a five-foot (5') wide buffer area, to be determined as the measured distance from the edge of the travel lane of the road, must be free from obstructions.

2. On Private Roads, whether paved or gravel, a five-foot (5') wide buffer area, to be determined as measured from the deeded boundary of the road, may be delineated with boundary markers not greater than eight inches (8") in height as measured from the road surface. Boundary markers greater than eight inches (8") in height must be positioned outside the five-foot (5') buffer area. (Amended: 6/9/2009)

F. Lots:

1. Principal structures on lots divided after January 19, 1988 shall require 30,000 square feet and 150 feet of road frontage. This road frontage can include frontage on an access road that connects to a main road. The access road must be a deeded right of way with a meets and bounds description. The right of way must be at least 33 feet in width with access for utilities. (Added May 18, 2015)

2. Each additional dwelling unit above two in a principal structure shall require an additional lot area of 15,000square feet per unit. (Added May 18, 2015)

3. Additional principal structures or uses and any accessory structures thereto may be constructed upon a lot provided there is at least 30,000 square feet of lot area for each principal structure and all other applicable standards of this Ordinance are met. (Added May 18, 2015)

4. Any lot in existence on January 19, 1988 shall be considered a legal lot of record. If a legal lot of record does not comply with the lot standards contained in subsections (1) or (2), the lot may nevertheless be used for purposes allowed in its zoning district provided all other applicable standards of this Ordinance are met.(Added May 18, 2015)

5. In the event that a non-conforming lot was created after January 19, 1988, the lot may be used for an accessory structure provided the structure has no provision for plumbing facilities and does not exceed 450 square feet in gross floor area. (Added May 18, 2015) (changed June 17, 2019)

Section 8. WAIVERS

The Planning Board may modify or waive any of the Section 6 "Performance Standards" or Section 7 "Additional Standards" when it determines, in writing, that because of the special circumstances of the site, such standards would not be applicable or would be an unnecessary burden upon the applicant, and that such waiver would not adversely affect the abutting land owners and the general health and welfare of the Town.

Section 9. ENFORCEMENT

A. Nuisances:

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

B. Code Enforcement Officer:

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the CEO shall find 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, or structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record by the Planning Board.

C. Legal Actions:

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

D. Fines:

Any OWNER, APPLICANT AND CONTRACTOR who continues to violate any provision of this Ordinance after receiving notice of such violation shall be LIABLE of a civil offense, subject to a fine not less than \$100 (One Hundred Dollars) nor more than \$2,500 (Two Thousand, Five Hundred Dollars) for each DAY OF THE violation. Fines shall be PAYABLE TO THE TOWN TREASURER AND SHALL BE DEPOSITED IN THE APPROPRIATE ACCOUNT. (Amended: 6/01/2006)

E. 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 specific provisions of this Ordinance.

Section 10. VALIDITY AND SEVERABILITY

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.

Section 11. CONFLICTS WITH OTHER ORDINANCES

Where provisions of this Ordinance conflict with the provisions of other regulations or ordinances, whichever imposes the more stringent restrictions shall prevail.

Section 12. AMENDMENTS

Amendments or revisions of this Ordinance may be adopted in the same manner in which it was originally enacted in accordance with Title 30, M.R.S.A., and Subsection 2153.

Section 13. EFFECTIVE DATE

The effective date of this Ordinance is January 20, 1988. Copies of this Ordinance and all amendments to it shall be filed with the Town Clerk and the Washington County Registrar of Deeds.

Section 14. DEFINITION OF TERMS USED IN THIS ORDINANCE

Except as specifically defined herein, all words in this Ordinance shall carry their customary dictionary meanings. For the purpose of this Ordinance, certain words or terms used herein are to be construed or defined as follows:

1. "Town" or "Municipality" means the Town of Jonesport. Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The word "lot" includes the word "plot" or "parcel". The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended", "arranged", "designed to be used" or "occupied".

2. Accessory Structure:

A structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted.

3. Agriculture:

The science or art of cultivating land in the raising of crops; husbandry; farming. The production of crops, livestock or poultry.

4. Boundary Marker:

A physical marker placed along a deeded lot line for the purpose of delineation of real property or used to prevent trespass. Boundary markers shall include: curbing, rocks, shrubbery, fences and other landscaping architecture. Boundary markers must provide for "safe sight height" for public safety. *Boundary markers are not to be considered substitutes for a surveyor's pin.* (Amended: 6/9/2009)(Amended 03/14/22)

5. 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.

6. Forest Management Activities:

Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities.

7. Lot:

An area or parcel of land and/or water in the same ownership for which one deed exists recorded in the County Registry of Deeds; also, a parcel of land occupied or capable of being occupied by one structure and the accessory structures or uses customarily incidental to it, including such open spaces as are required by this Ordinance, and having frontage upon a public street or a street in a subdivision which has been approved by the Planning Board. A lot has a "front lot line" on any street OR WATER BODY which it abuts; a "side lot line" abutting adjacent lots of common frontage and a "rear lot line" abutting lots not in common frontage. (Amended: 6/17/2002)

8. Mobile Home:

A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported one or more sections, by the use of its own chassis or placed on an independent chassis, to a building site; and which is ten (10) body feet or more in width and thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with utilities and include the plumbing, heating, air conditioning, and electrical systems contained therein.

9. Structure:

Anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind, ~~together with anything constructed or erected with fixed location (like a slab) on the ground or attached to something having a fixed location on the ground,~~ including but not limited to *roads and driveways, buildings, walls, porches, carports, decks, swimming pools, and billboards.* Structures do not include boundary markers, utility poles and guy wires, mail boxes, *temporary tents and awnings.* (Amended: 6/9/2009) (Amended 03/14/2022)

10. Subdivision:

The division of a lot, tract, or parcel of land into three or more lots, within any five year period, whether accomplished by sale, lease, development, building, or otherwise as defined by Title 30, M.R.S.A. and Subsection 4956, as amended.

11. Tower: Such as transmission tower, windmills, antennas and similar structures having no floor area."

12. "Grandfathered lots: lots created before January 19, 1988." (Added May 18, 2015)

13. "Non-conforming lot: a single lot of record which, as of January 19, 1988, does not meet the area, frontage or width requirements of the district in which it is located." (Added May 18, 2015)

14. "Restaurant" means an establishment where food and drink are prepared and served to the public; all serving must be stopped by 10:00 p.m. The term includes establishments where alcoholic beverages are sold for consumption on premises, provided the service of alcoholic beverages is secondary to the service of food and that food is offered for sale at all times that alcoholic beverages are offered for sale. Service of alcoholic beverages is considered secondary to the service of food provided the gross receipts from the sale of alcoholic beverages do not exceed 1/3 of the establishment's gross receipts. (Added May 18, 2015)

15. "Bar, Tavern, or Lounge" means an establishment where the sale of alcoholic beverages for consumption on premises exceeds 1/3 of the establishment's gross receipts, regardless of whether other food and drink are prepared and served to the public. (Added May 18, 2015) (deleted 10/20/15 by vote at Special Town Meeting)

Section 15. TABLE OF LAND USES

| LAND USES | RESOURCE PROTECTION | LIMITED RESIDENTIAL RECREATIONAL | GENERAL DEVELOPMENT | *HARBOR DISTRICT | MARITIME ACTIVITIES DISTRICT |
|---|---------------------|----------------------------------|---------------------|------------------|------------------------------|
| 1. Non-intensive recreation uses not requiring structures such as hunting, fishing & hiking | YES | YES | YES | YES | YES |
| 2. Motorized vehicular traffic on roads, trails & snowmobiling | YES | YES | YES | YES | YES |
| 3. Forest management activities except for timber harvesting | YES | YES | YES | YES | YES |
| 4. Timber harvesting | CEO | YES | YES | YES | YES |
| 5. Fire prevention activities | YES | YES | YES | YES | YES |
| 6. Wildlife management practices | YES | YES | YES | YES | YES |
| 7. Soil & water conservation practices | YES | YES | YES | YES | YES |
| 8. Mineral exploration* | YES | YES | YES | YES | YES |
| 9. Surveying & resource analysis | YES | YES | YES | YES | YES |
| 10. Emergency operations as defined | YES | YES | YES | YES | YES |
| 11. Harvesting of wild crops | YES | YES | YES | YES | YES |
| 12. Agriculture* | PB | YES | YES | YES | YES |
| 13. Principal Structures* | | | | | |
| A. Single family dwelling units | NO | PB | PB | NO | NO |
| B. Two family dwelling units | NO | PB | PB | NO | NO |
| C. Multi-family dwelling units (conversion) | NO | PB | PB | PB | PB |
| D. Lodging units (Not including Bed & Breakfast) ** | NO | PB | PB | PB | PB |
| E. Commercial structures | NO | NO | PB | PB | PB |
| F. Industrial structures | NO | NO | PB | PB | NO |
| G. Governmental structures | NO | PB | PB | PB | PB |
| H. Institutional structures | NO | NO | PB | PB | NO |
| 14. Structures accessory to permitted uses* | | | | | |
| a. Accessory Structures over 100 sq. ft. (added 03/14/2022) | PB | PB | PB | PB | PB |
| b. Accessory Structures under 100 sq. ft. (added 03/14/2022) | CEO | CEO | CEO | CEO | PB |
| 15. Small non-residential facilities for education, scientific or natural interpretation purposes | PB | YES | YES | YES | YES |
| 16. Public & private parks & recreation areas involving minimal structural development | PB | YES | YES | YES | YES |
| 17. Home occupation/Profession* | | | | PB | PB |
| 18. Campgrounds* | | | | PB | NO |
| 19. Marine related activities | | | | PB | PB |
| A. Commercial fishing activities | PB | PB | PB | YES | YES |
| B. Functionally water-dependent Uses | PB | PB | PB | PB | YES |
| C. maritime activities | PB | PB | PB | PB | YES |
| 20. Piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length & uses projecting into, on or over | | | | | |

| water bodies* A. Temporary B. Permanent | CEO PB/DEP | CEO PB/DEP | CEO PB/DEP | CEO PB/DEP | CEO PB/DEP |
|--|---------------|---------------|---------------|---------------|---------------|
| 21. Road construction* | PB | PB | PB | PB | PB |
| 22. Beach construction* | NO | PB | PB | PB | PB |
| 23. Clearing for approved construction | CEO | YES | YES | YES | YES |
| 24. Essential services accessory to permitted uses | YES | YES | YES | YES | YES |
| 25. Private sewage disposal system | NO | LPI | LPI | LPI | LPI |
| 26. Public utilities, including sewage collection & treatment facilities | PB | PB | PB | PB | PB |
| 27. Signs* | YES | YES | YES | YES | YES |
| 28. Filling or other earthmoving activity of less than 10 cubic yards | CEO | YES | YES | YES | YES |
| 29. Filling or other earthmoving activities of more than 10 cubic yards | PB | CEO | CEO | CEO | CEO |
| 30. Uses similar to permitted uses | CEO | CEO | CEO | CEO | CEO |
| 31. Uses similar to uses requiring a CEO permit | CEO | CEO | CEO | CEO | CEO |
| 32. Uses similar to uses requiring a PB permit | PB | PB | PB | PB | PB |
| 33. Decks, patios, porches, single story outbuildings without plumbing of 100 square feet or less*(Amended: 3/12/1990) | NO | CEO | CEO | CEO | CEO |
| 34. Restaurant(Added May 18, 2015) | NO | NO | PB | PB | PB |
| 35. Bar, Tavern or Lounge (Added May 18, 2015) | NO | NO | NO | NO | NO |

REFERENCES FROM TOWN CLERK TOWN MEETING MINUTES, DATED FROM **JANUARY 19, 1988 TO MARCH 12, 2007**

1. This original Ordinance entitled "JONESPORT LAND USE REGULATIONS ORDINANCE" was included in Article 7 of a **Special Town Meeting Warrant** held on Tuesday, **January 19, 1988 @ 7:00 p.m.** at the Jonesport Fire Station at West Jonesport in which sixty (60) registered voters attended. The Article was voted on and was approved by a vote of twenty-six (26) to two (2).

2. **Special Town Meeting Warrant, June 12, 1989:** Monday @ 7:00 p.m. at Jonesport-Beals High School Gymnasium at Snare Creek.

a. Article 3. Section 5. PROCEDURES F.

Voting results: Twenty-five (25)-YES; Zero (0)-NO

b. Article 4. Section 6. PERFORMANCE STANDARDS I.

Voting results: Twenty-nine (29)-YES; Zero (0)-NO

3. ANNUAL TOWN MEETING WARRANT, MARCH 12, 1990: Monday @ 10:00 a.m. at the Jonesport-Beals High School Gymnasium at Snare Creek which about 203 registered voters attended:

a. Article 43. Section 3. APPLICABILITY

Voting results: YES in favor by all; Zero (0)-NO

b. Article 44. Section 5. PROCEDURES A and A-2

Voting results: YES in favor by all; Zero (0)-NO

c. Article 45. Section 7. ADDITIONAL STANDARDS, Roads (3), (4), (8) and D. MOBILE HOMES 1. Permanent

Voting results: Eleven (11)-YES; Zero (0)-NO

d. Article 46. Section 15. TABLE OF LAND USES, 1 through 33

Voting results: YES in favor by all; Zero (0)-NO

4. Annual Town Meeting Warrant, March 11, 1991: Monday @ 11:00 a.m. at the Jonesport-Beals High School Gymnasium at Snare Creek which about 116 registered voters attended.

a. Article 42. Section 6. PERFORMANCE STANDARDS, Land Clearing, Paragraph J

Voting results: Motion made and seconded to accept as written. Yes Hand Vote.

5. Special Town Meeting, June 22, 1992: @ 7:00 p.m. at the Jonesport-Beals High School Gymnasium at Snare Creek, estimated attendance was 68 registered voters.

a. Article 6A. Section 7. Paragraph C – ROADS, new Sub-Paragraph 9.

Voting results: Motion made and seconded to accept as read. Hand count. Twenty-eight (28)-YES; Zero (0)-NO

6. Special Town Meeting, May 21, 1996: @ 7:00 p.m. at the Jonesport Elementary School Gymnasium at Snare Creek, estimated attendance was 87 registered voters.

a. Article 6. Section 3. APPLICABILITY

Voting results: TAKE NO ACTION

b. Article 7. Section 5. PROCEDURES

Voting results: TAKE NO ACTION

c. Article 8. Subsection A. DIMENSIONAL REQUIREMENTS

Voting results: Total ballots cast – 53, necessary to win – 27

Fourteen (14)-YES; Thirty-nine (39)-NO carried. ARTICLE DEFEATED

d. Article 9. Section 9. ENFORCEMENT. Subsection B. “Code Enforcement Officer”

Voting results: TAKE NO ACTION

e. Article 10. Section 9. ENFORCEMENT, Subsection D. FINES.

Voting results: TAKE NO ACTION

Note: The preceding references were copied from Meeting Minutes of Ida F. Higgins, Town Clerk.

7. Special Town Meeting, June 17, 2002: @7:00 p.m. at the Jonesport Elementary School Gymnasium at Snare Creek.

a. Article 8. Section 5. PROCEDURES, Paragraph C

Voting results: (16 Ballots cast) Fifteen (15)-YES; One (1)-NO

b. Article 9. Section 7. ADDITIONAL STANDARDS. A. Dimensional Requirements Paragraph 1

Voting results: (16 Ballots cast) Sixteen (16)-YES; Zero (0)-NO

c. Article 10. Section 7. ADDITIONAL STANDARDS, Paragraph 2

Voting results: (14 Ballots cast) Fourteen (14)-YES; Zero (0)-NO

d. Article 11. Section 7. ADDITIONAL STANDARDS, A. Dimensional Requirements B. Off-Road Parking, Paragraph 1

Voting results: (14 Ballots cast) Fourteen (14)-YES; Zero (0)-NO

e. Article 12. Section 14. DEFINITION OF TERMS. Paragraph 6, LOT (Last sentence)

Voting results: (16 Ballots cast) Sixteen (16)-YES; Zero (0)-NO

8. Annual Town Meeting, March 10, 2003: @ 10:00 a.m. at the Jonesport-Beals High School Gymnasium at Snare Creek.

a. Article 33. Section 7. ADDITIONAL STANDARDS, A. Dimensional Requirements, Paragraph 2

Voting results: To postpone to a later meeting
(39 Ballots cast) Thirty-nine (39)-YES; Zero (0)-NO

b. Article 34. Section 9. ENFORCEMENT, D. Fines

Voting results: To postpone to a later meeting
(39 Ballots cast) Thirty-nine (39)-YES; Zero (0)-NO

- c. Article 35. Section 14. DEFINITION OF TERMS UED IN THIS ORDINANCE, Paragraph 6. LOT.
Voting results: To postpone to a later meeting
(39 Ballots cast) Thirty-nine (39)-YES; Zero (0)-NO
- d. Article 48. Section 5. PROCEDURES, A-1.
Voting results: Hand vote in favor of amending the article. Motion made and seconded
to accept the article as amended. Hand vote: Twelve (12)-YES; Zero (0)-NO

9. Annual Town Meeting, March 8, 2004: @ 3:30 p.m. at the Jonesport-Beals High School Gymnasium at Snare Creek.

- a. Article 44. Section 5. PROCEDURES, A-1: To amend the previous fee schedule accepted at the 3/10/2003 Meeting, Article 48.
Voting Results: (Hand Vote) Twenty-two (22)-YES; Zero (0)-NO

10. Annual Town Meeting, March 13, 2006: @ 3:30 p.m. at the Jonesport-Beals High School Gymnasium at Snare Creek.

- a. Article Nos. 33, 34 and 35. Postponed until June 1, 2006 Special Town Meeting
Voting Results: Thirty-nine (39)-YES; Zero (0)-NO

11. Special Town Meeting, June 1, 2006: @ 7:00 p.m. at the Jonesport Elementary School

- a. Article 6. Section 7. ADDITIONAL STANDARDS, A. Dimensional Requirements, Paragraph 2
Voting results: Moderator's request to have 6A and 6B as two proposal within this
article. 6A: NO ACTION. Nine (9)-YES; Zero (0)-NO & 6B: NO ACTION. Fourteen (14)-
YES; Zero (0)-NO
- b. Article 7. Section 9. ENFORCEMENT, D. Fines
Voting Results: To accept the article as read. Hand vote. Fourteen (14)-YES; Zero (0)-NO
- c. Article 8. Section 14. DEFINITIONS OF TERMS USED IN THIS ORDINANCE, Paragraph 6. LOT
Voting results: TAKE NO ACTION by Hand Vote. Fourteen (14)-YES; Zero (0)-NO

12. Annual Town Meeting, March 12, 2007: @ 3:30 p.m. at Jonesport-Beals High School Gymnasium

- a. Article 35. Section 5. PROCEDURES, Paragraph A-2.
Voting results: Motion made and seconded to amend article to include an additional \$50.00 CEO
fee for each subdivision lot. After much discussion and debate, the aforementioned motion was rescinded.
Motion made and seconded to take no action on this article. Ten (10)-YES; Fourteen (14)-NO. Motion made and
seconded to accept article as written. Fourteen (14)-YES; Twelve (12)-NO

Note: Reference Nos. 7 through 11 were copied from Meeting Minutes of Tonia J. Merchant, Town Clerk, Town of Jonesport.

13. Special Town Meeting, June 9, 2009: @ 6:00 p.m. at the Jonesport Elementary School

- a. Article 2. Section 7. ADDITIONAL STANDARDS, A. Dimensional Requirements, #1-5 and E. Road
Buffers. Section 14. DEFINITION OF TERMS USED IN THIS ORDINANCE, #4. Boundary Markers.
Voting results: Sixteen (16)-YES; Zero (0)-NO

FYI: Land Use and Development Ordinance is saved on laptop in Microsoft Word and titled "Land Use and Development Ordinance".

Updated: June 18, 2009

By: slm

14. Annual Town Meeting, March 09, 2015 @ 3:30p.m. at the Jonesport-Beals High School gym..

Article: 38: To see if the Town shall amend Section 5 A-1 Procedures of the TOWN OF JONESPORT Washington County, Maine *LAND USE AND DEVELOPMENT ORDINANCE* to include "CEO and Building Permit fees to be double the normal rate for "after the fact" projects. Windmills shall file a 200 + Square Footage application regardless of the size."

Motion was made and seconded to accept as written. Motion carried 57-1.

Article: 39: To see if the Town shall amend Section 7 -Dimensional Requirements of the TOWN OF JONESPORT Washington County, Maine *LAND USE AND DEVELOPMENT ORDINANCE* to include "10. Tower (see definition) shall have setbacks of 1.5 times the max height of the tower and equipment Motion was made and seconded to accept as written. Motion carried 48-0.

Article: 40: To see if the Town shall amend Section 14-Definitions of the TOWN OF JONESPORT Washington County, Maine *LAND USE AND DEVELOPMENT ORDINANCE* to include "Tower: Such as transmission tower, windmills, antennas, and similar structures having no floor area."

Motion was made and seconded to accept as written. Motion carried 48-0 .*BY IFR*

15. Special Town Meeting, May 18, 2015 @ 6:00 p.m. at the Jonesport Elementary School.

Article 18. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: repeal of Section 7 Addition Standards A. dimensional requirement numbers 6, 7, 8 and 9. Motion was made and seconded to approve the article as written. Motion carried: 24-0.

Article 19. to see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows; Adding to Section 7 "F. Lots 1. Principal structures on lots divided after January 19, 1988 shall require 30,000 square feet and 150 feet of road frontage. This road frontage can include frontage on an access road that connects to a main road. The access road must be a deeded right of way with a meets and bounds description. The right of way must be at least 33 feet in with access for utilities. Motion was made and seconded to approve the article as written. Motion carried: 23-0.

Article 20. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: Adding to Section 7 "F. Lots 2. Each additional dwelling unit above two in a principal structure shall require an addition lot area of 15,000 square feet per unit." Motion was made and seconded to approve the article as written. Motion carried: 21-0

Article 21. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: Adding to Section 7:F. Lots 3. Additional principal structures or uses and any accessory structures thereto may be constructed upon a lot provided there is at least 30,000 square feet of lot area for each principal structure and all other applicable standards of this Ordinance are met." Motion was made and seconded to approve the article as written. Motion carried: 23-0.

Article 22. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: Adding to Section 7 "F. Lots 4. Any lot in existence on January 19, 1988 shall be considered a legal lot of record. If a legal lot of record does not comply with the lot standards contained in subsections (1) or (2), the lot may nevertheless be used for purposes allowed in its zoning district provided all other applicable standards of this Ordinance are met."Motion was made and seconded to approve the article as written. Motion carried: 22-0

Article 23. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: Adding to Section 7"F. Lots 5. In the event that a non-conforming lot was created after January 19, 1988, the lot may be used for an accessory structure to a residential use provided the structure has no provision for plumbing facilities and does not exceed 450 square feet in gross floor area." Motion was made and seconded to approve the article as written. Motion carried: 24-0

Article 24. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance as follows: Section 14 Definitions:"Grandfathered lots: lots created before January 19, 1988." Motion was made and seconded to approve the article as written. Motion carried: 24-0

Article 25. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance by adding to Section 14 Definitions: "Non-conforming lot: a single lot of record which as of January 19, 1988, does not meet the area, frontage, or width requirements of the district in which it is located." Motion was made and seconded to approve the article as written. Motion carried: 24-0

Article 26. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance by adding to Section 14 Definitions: Restaurant" means an establishment where food and drink are prepared and served to the public; all serving must be stopped by 10:00 p.m. The term includes establishments where alcoholic beverages are sold for consumption on premises provided the service of alcoholic beverages is secondary to the service of food and that food is offered for sale at all times that alcoholic beverages are offered for sale. Service of alcoholic beverages is considered secondary to the service of food provided the gross receipts from the sale of alcoholic beverages do not exceed 1/3 of the establishment's gross receipts. Motion was made and seconded to approve the article as written. Motion carried; 23-1

Article 27. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance by adding to Section 14 Definitions: Bar, Tavern, or Lounge: means an establishment where the sale of alcoholic beverages for consumption on premises exceeds 1/3 of the establishment's gross receipts, regardless of whether other food and drink are prepared and served to the public. Motion was made and seconded to approve the article as written. After much discussion and consensus that the wording "is equal to or" would be amended in another town meeting the question was call by a vote of 24-0. Motion carried; 21-0 ("is equal to or" removed at 10/20/15)

Article 28. To see if the Town will vote to amend the Town of Jonesport Land Use and Development Ordinance by adding to Section 15(Table of Land uses):

| LAND USES | RESOURCE PROTECTION | LIMITED RESIDENTIAL RECREATIONAL | GENERAL DEVELOPMENT | *HARBOR DISTRICT | MARITIME ACTIVITIES DISTRICT |
|----------------------------|---------------------|----------------------------------|---------------------|------------------|------------------------------|
| 34. Restaurant | NO | NO | PB | PB | PB |
| 35. Bar, Tavern, or Lounge | <u>NO</u> | <u>NO</u> | <u>NO</u> | <u>NO</u> | <u>NO</u> |

Motion was made and seconded to approve the article written.
 Motion carried: 21-0

Annual Town Meeting, March 14, 2022 -Article 36 To see if the Town will approve revisions to the Shoreland Zoning and Land Use Ordinance. (FYI copies of revisions are available.)

Annual Town Meeting, March 11, 2019 -Adoption of Amended Road Proclamation to become part of the Land Use and Development Ordinance. Motion was made and seconded to approve the article as written. Motion carried 34-4.

Town of Jonesport



70 Snare Creek Lane, Lower Level
 Jonesport, ME 04649
 PHONE: (207) 497-5926 FAX: (207) 497-5966
selectmen@townofjonesport.com

Amended Road Proclamation

WHERE AS, for the past thirty (30) plus years, various roads have been maintained by the Town of Jonesport, in the State of Maine and,

WHERE AS, the following roads are: Beal Street, Bluenose Street, Breeze Street, Campground Road, Cogswell Street, Cove Street, Cranberry Lane, Curlew Street, Faulkingham Road, Feeney Street, Ferry Street, Gaelic

Square, Harbor Lane, High Street, Ice Hill North, Island Street, Jonesport Avenue*, Ledge Street, Lobster Avenue, Marie’s Way, Moosabec Street, North Street, Ocean Street, Old House Point Road, Peabody Place, Polk Lane, Port Street, Rosemary Lane, Sawyer Square, Smith Street, Stevens Street, Trynor Square, View Street, and,

WHERE AS, Alexander Avenue, Ball Diamond Road, Bridge Street, Cross Street, E Norton Circle, Fire Road, Kelley Point Road, Lamson Road, Rockwell Road, Sadler Point, Snare Creek Lane, Tennis Court Walk, West Main Street, will continue to be included as town roads, and,

WHERE AS, to affirm a declaration to determine a clarification for all future town developments, and,

THEREFORE, * With the exception of these portions of Jonesport Avenue, presently owned by Edward Look, known as Map 013-Lot 41 and another portion presently owned by Charles Look, known as Map 013-Lot 41-001; the Board of Selectmen, of the Town of Jonesport, the State of Maine, affirm, that the private roads maintained by the Town of Jonesport for the past thirty (30) years will be considered town roads from this day forward.

Approved this 31st day of October 2018,

Dwight E. Alley, Selectman – Chairman
Harry Fish, Jr., Selectman
William K. Milliken, Selectman

Annual Town Meeting Warrant March 14, 2022: Monday @ 3:30 p.p. at Jonesport-Beals High School Gymnasium at Snare Creek and Planning Board Public Hearing on Ordinance Amendments February 23, 2022 5:30 p.m.

Section 4 Non-Conforming Uses: C. READS:A non-conforming structure or use which is removed may not be replaced unless a waiver is granted under the provisions of Section 8 of the Ordinance.

Section 4 Non-Conforming Uses: C. WILL READ:A permit from the Planning Board for replacement of a non-conforming structure is required before the existing structure is removed.

Section 4 Non-conforming uses: D added: A non-conforming structure or use which is removed without a permit may not be replaced unless a waiver is granted under the provisions of Section 8 of the Ordinance.

Section 5. PROCEDURES, A-1: List of fees changed to:

| | | | | |
|---------------|----------|------|----------------|----------|
| 0-100 sq. ft. | \$ 0.00 | from | 0-200 sq ft | \$ 0.00 |
| 101-500 sq ft | \$ 25.00 | from | 201-500 sq ft. | \$ 25.00 |

All other fees remain the same. (page 3)

Section 5. PROCEDURES; second paragraph, A-1: CEO Building Permit fees **added:** "to be assessed an additional \$300.00" ~~double the normal rate~~ for "after the fact" projects. Windmills shall file a 200+ square footage application regardless of the size. (Added 3/09/2015). (page 3)

Section 5 A-2: Also, a Code Enforcement Officer inspection form must accompany each permit application. A CEO fee of \$150.00 (**changed from \$100.00**) to be made payable to the Treasurer, Town of Jonesport. **Added** which includes the certificate of compliance inspection, ~~except for applications~~. For structures under 200 square feet ~~for which~~ a fee of \$50.00 will be charged. (page 3)

C. The Planning Board shall post notices of proposals and meetings in the Town Office and publish them in a local newspaper. The ~~Planning Board~~ **Applicant** will inform abutters of proposals, **by certified return receipt mail**, where major development will occur such as multi-dwelling units, **Added subdivisions**, or commercial structures. **The returned receipt will become part of the application.** (Amended: 6/17/2002).(page 4)

E. Within 30 days of the public hearing ~~or 60 days of receiving the application~~, the Planning Board shall either approve, approve with conditions, or disapprove the application. This time limit for review may be extended by mutual agreement between the Planning Board and the applicant.(page 4)

Section 7. ADDITIONAL STANDARDS; NO.5: When no road exists, all structures, **Added: including new roads and driveways**, shall be set back a minimum of ten feet (10') from all property boundaries. (#1-5 Amended: 6/9/2009) (page 5)

Section 7. ADDITIONAL STANDARDS; D Mobile Homes; No. 2. Temporary: Mobile home units which must be utilized as temporary housing for construction, Selectmen may cause said units to be removed at the expense of the party responsible for initial placement of said units. **Added: Following completion of the construction and certificate of compliance inspection, any units must be removed within 60 days at the expense of the party responsible.**

(page 5-6)

Section 14. DEFINITION OF TERMS USED IN THIS ORDINANCE; NO. 4 Boundary Marker: A physical marker placed along a deeded lot line for the purpose of delineation of real property or used to prevent trespass. Boundary markers shall include: curbing, rocks, shrubbery, fences and other landscaping architecture. Boundary markers must provide for "safe sight height" for public safety. **Added: Boundary markers are not to be considered substitutes for surveyor's pin.** (amended: 6/9/2009).(page 7)

Section 14. DEFINITION OF TERMS USED IN THIS ORDINANCE; No. 9 Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with fixed location, **Added: (like a slab)** on the ground, or attached to something having a fixed location on the ground, including but not limited to: **Added: roads and driveways**, buildings, walls, porches, **Added: carports**, decks, swimming pools, and billboards. Structures do not include boundary markers, utility poles and guy wires, mail boxes, **Added: temporary** tents and awnings. (amended: 6/9/2009).(page 8)