

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



REVISED LAND USE ORDINANCE

06/21/2023

LAND USE AND DEVELOPMENT ORDINANCE

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

NOTE: Original Ordinance was adopted on 1/19/1988 by the Town of Jonesport. References from Town Clerk Minutes are included from January 19, 1988 to May 19, 2015, and March 14, 2022 and can be found in the Appendix of this document. Please review the Appendix of the Ordinance for history of approved amendments.

The effective date of this ordinance is MONTH DAY, YEAR.

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 the Town's "Home Rule" authority provided to it by the Maine Constitution and Title 30-A, Section 3001.

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 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 also Table of Land Uses, Section 15 for more specific information.

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.
- 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.

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 an application fee according to the revised fee schedule and made payable to the Town of Jonesport.

Structure Size (square feet)	Building Permit Fee	Code Enforcement Officer (CEO) Fee
0 -100	\$0.00	\$50.00
101 - 500	\$25.00	\$150.00
501 - 1500	\$50.00	\$150.00
1501 - 3500	\$100.00	\$150.00
3501+	\$200.00	\$150.00

Building Permit fees to be assessed an additional \$300.00 fee for all "after the fact" projects.

Windmills shall file a 200+ permit Square Footage application regardless of the size.

A-2. Also, a Code Enforcement Officer (CEO) Inspection form must accompany each permit application. The CEO fee is to be made payable to the Treasurer, Town of Jonesport as per the fee table. This fee includes the certificate of compliance inspection.

B. 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.

C. 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.

D. The Planning Board shall post notices of proposals and meetings in the Town Office and publish them in a local newspaper. Applicant will inform abutters of proposals where major development will occur such as multi-dwelling units, sub-divisions, or commercial structures.

E. The Planning Board may hold a public hearing on the proposal within 30 days of receipt of the completed 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.

F. 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.

G. All structures over one hundred (100) 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.

H. If no substantial start of construction has been made in one (1) year from the date the permit is issued, the permit becomes invalid.

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 town 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 and permits.

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.

- 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).
- K. Archeological Sites: Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application. Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in the community.

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, shall be set back a minimum of ten feet (10') from all property boundaries.
6. Tower (see definition) shall have setbacks from property lines of 1.5 times the max height of the tower and equipment.

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.
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.
4. Roads shall be arranged to provide for extension or connection of an eventual necessary road system.

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.
9. A permit shall not be required for placement of gravel for repair and maintenance of existing roadways or driveways.

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.

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 the 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.

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.

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

G. Commercial Solar Energy System (SES):

1. Commercial SES standards are covered in a separate Ordinance. Applicants shall refer to the Commercial Solar Energy System (SES) Ordinance for specific guidance on establishing a Commercial SES within the Town.
2. For a review of allowed areas that are permitted for installation of Commercial SES, please refer to Section 15, Table of Land Uses.

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

This Ordinance shall be enforced by the Selectboard or their designee. Violation of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A, M.R.S. § 4452, Enforcement of Land Use Laws and Ordinances.

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/she 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.

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-A, M.R.S.A. Subsection 3004.

Section 13. EFFECTIVE DATE

The effective date of this Ordinance is ~~<Month Day, Year>~~. 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 surveyor's pins.
5. "Dwelling Unit or Residential 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 frontages and a "rear lot line" abutting lots not in common frontage.
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, including but not limited to, e.g., roads and driveways, bridges, 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.

10. "Subdivision": Subdivision, as defined in Title 30-A, M.R.S.A. Subsection 4401(4), means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

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

12. "Grandfathered lots: Lots created before January 19, 1988."

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."

14. "Restaurant": 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.

15. "Bar, Tavern, or Lounge": 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.

16. "Functionally water-dependent uses" means those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses, include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage, and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

17. "Aquaculture" means the culture or husbandry of marine organisms by any person under controlled conditions throughout part or all of their lifecycle.

18. "Commercial Solar Energy System (CSES) means a solar energy system where the primary purpose of the system is to generate income from the power produced for off-site consumption.

Section 15. TABLE OF LAND USES

Key:

Yes = Allowed (no permit required)
 No = Prohibited
 PB = Permit issued by Planning Board

CEO = Permit issued by Code Enforcement Officer
 DEP = Department of Environmental Protection
 LPI = Local Plumbing Inspector

LAND USES	RESOURCE PROTECTION	LIMITED RESIDENTIAL RECREATIONAL	GENERAL DEVELOPMENT	HARBOR DISTRICT	COMMERICAL FISHERIES / 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	PB	PB
B. Two family dwelling units	NO	PB	PB	PB	PB
C. Multi-family dwelling units (conversion)	NO	PB	PB	PB	PB
D. Lodging units (Not including Bed & Breakfast)	NO	PB	PB	PB	NO
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. For structures under 100 sq feet	CEO	CEO	CEO	CEO	PB
B. For structures over 100 sq feet	PB	PB	PB	PB	PB
15. Small non-residential facilities for education, scientific or natural interpretation purposes	PB	YES	YES	YES	YES

LAND USES	RESOURCE PROTECTION	LIMITED RESIDENTIAL RECREATIONAL	GENERAL DEVELOPMENT	HARBOR DISTRICT	COMMERCIAL FISHERIES / MARITIME ACTIVITIES DISTRICT
16. Public & private parks & recreation areas involving minimal structural development	PB	YES	YES	YES	YES
17. Home occupation/profession	NO	PB	PB	PB	PB
18. Campgrounds	NO	PB	PB	PB	NO
19. Marine related activities					
A. Commercial fishing activities	PB	PB	PB	PB	PB
B. Functionally water-dependent uses	PB	PB	PB	PB	PB
C. Maritime activities	PB	PB	PB	PB	PB
20. Piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length & uses projecting into, on or over water bodies					
A. Temporary	CEO	CEO	CEO	CEO	CEO
B. Permanent	PB/DEP	PB/DEP	PB/DEP	PB/DEP	PB/DEP
21. Road construction	PB/DEP	PB	PB	PB/DEP	PB/DEP
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
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	NO	CEO	CEO	CEO	CEO
34. Restaurant	NO	NO	PB	PB	PB
35. Bar, Tavern or Lounge	NO	NO	NO	NO	NO
Aquaculture	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>
Commercial Solar Energy Systems	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>

Date Approved: 6/21/2023

Attested: Tonia F. Merchant

Tonia Merchant, Town Clerk

Harry Fish Jr., Selectman

[Signature]

Denise Cilley, Selectwoman

[Signature]

Logan N. Alley, Selectman

APPENDIX

History of Approved Amendments to Land Use Ordinance:

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 USED 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

Adoption of Amended Road Proclamation

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.

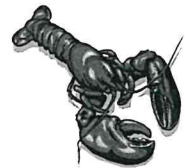
Town of Jonesport

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.

