

Posted: 12/19/2017



## TOWN OF ISLESBORO

### NOTICE OF PUBLIC HEARING – PLANNING BOARD

The Islesboro Planning Board will conduct a public hearing on proposed text and map changes (Draft #6) to the Land Use Ordinance to create the Town Centers District.

Date of Public Hearing #1: January 8, 2018 .

Date of Public Hearing #2: January 22, 2018 .

Time: 6:15pm .

Place: Islesboro Town Office, 150 Main Road, Islesboro, ME 04848.

The proposed Land Use Ordinance amendments (text and maps) are available for review and inspection at the Islesboro Town Office. Attached is a copy of the map showing portion of the Town affected by the proposed amendments **(outlined in red)**.

Art. \_\_\_, Shall an ordinance entitled "2017 Amendments to the Town of Islesboro Land Use Ordinance Regarding Town Centers District" be enacted?

[The proposed ordinance amendments are available for review and inspection at the Town Clerk's Office and will be available at the Town Meeting.]

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**2017 AMENDMENTS TO THE TOWN OF ISLESBORO LAND USE ORDINANCE  
REGARDING TOWN CENTERS DISTRICT**

The Town of Islesboro Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

1. Amend the Town of Islesboro Protection Districts Map, as provided under § 125-9 of the Land Use Ordinance, to append to it, and incorporate therein, the Town Center District Maps, which are based generally on April 1, 2015 tax maps, and to rezone those areas outlined in red from Rural Protection District (RU) to Town Centers District (TC), all as more particularly shown on the two attached sketch maps. (The attached sketch maps are for general reference purposes only. The Official Protection Districts Map amendment is available for review and inspection at the Town Clerk's Office and will also be available at the Town Meeting.)

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2. Amend § 125-9, regarding Protection Districts Map, as follows:

**§ 125-9. Protection Districts Map.**

- A. For the purposes of this chapter, the Town of Islesboro is divided into districts as set forth in Article III of this chapter and as shown on the Protection Districts Map titled "Town of Islesboro, Protection Districts Map." The Protection Districts Map shall be drawn at a scale of not less than one inch equals 2,000 feet. District boundaries shall be clearly delineated, and a legend indicating the symbols for each district shall be placed on the map. For any land area shown on the Protection Districts Map as being part of the Town Centers District but determined to be in the Resource Protection District or Limited Development District by physical features and/or measurement on the ground pursuant to § 125-10, § 125-23 or § 125-25, such land area shall be governed by the zoning district imposing the more restrictive or higher standard.
- B. The Protection Districts Map shall be certified by the attested signatures of the Board of Selectmen and shall be located in the Town Office.
- C. If amendments, in accordance with § 125-8, are made in the district boundaries or other matter portrayed on the Protection Districts Map, such changes shall be made on the Protection Districts Map within 30 days after the amendment has been approved by the Commissioner of the Department of Environmental Protection. **[Amended 6-6-2012]**
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3. Amend § 125-10, regarding Interpretation of District Boundaries, as follows:

**§ 125-10. Interpretation of district boundaries.**

Unless otherwise set forth on the Protection Districts Map or in this chapter, district boundary lines are property lines, the center lines of the paved or traveled portion of streets and roads and the center lines of rights-of-way, and the boundaries of the Protection Sector as defined herein. The depiction of districts on the Protection Districts Map is merely illustrative of their general location. The boundaries of the districts shall be determined by measurement of the distance on the ground from the normal high-water line or the upland edge of wetland vegetation, regardless of the location of the boundary shown on the map. If any conflict between the Protection Districts Map and the text of this chapter arises, the text shall control. If a lot is located in more than one zoning district, it shall be governed by the standards of the zoning district in which the greater portion of the lot that is suitable for development (e.g., no wetlands, no excessive slopes, etc.) lies on the date the Town Centers District is first adopted by Town Meeting; otherwise, the provisions regarding nonconformities shall govern. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

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4. Amend § 125-22, regarding Establishment of Zoning Districts, as follows:

**§ 125-22. Establishment of districts.**

For the purpose of this chapter, the Town of Islesboro is divided into districts. These districts, outlined below, are shown on the Protection Districts Map titled "Town of Islesboro Protection Districts Map," signed by the Board of Selectmen, Town of Islesboro; this map is on file at the Town Office. This map which may be amended from time to time, in the same manner as this chapter, is made a part of this chapter and is hereby incorporated by reference. As noted in § 125-10 of this chapter the depiction of districts on this map is merely illustrative of their general location.

Resource Protection District  
Limited Development District  
Meadow Pond District  
Shoreland Protection District  
Maritime Activities District  
Rural Protection District  
Town Centers District

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5. Add a new § 125-29A, regarding Town Centers District, as follows:

**§ 125-29A. Town Centers District.**

**A. Purpose.** The Town Centers District is intended to encourage retention of traditional

neighborhoods by allowing smaller lot sizes, promoting walkable population-dense areas with a mix of commercial and residential uses and structures, and providing public sewer and water when necessary to protect the Town's shared environment.

B. Space and Bulk Requirements. Notwithstanding any other provision in this ordinance or the Development Review Ordinance (including, without limitation, the minimum lot size standards and the performance standards for cluster developments) to the contrary, the following space and bulk requirements apply in the Town Centers District:

(1) Minimum lot size.

(a) Residential lots other than Multi-Family Dwelling lots on public sewer shall have a minimum lot size of 20,000 square feet.

(b) Multi-Family Dwelling lots on public sewer shall have a minimum lot size of 20,000 square feet for two-family and three-family dwelling units, and a minimum lot size of 5,500 square feet per dwelling unit for lots with more than three dwelling units.

(c) Mixed use development lots shall have a minimum lot size of 20,000 square feet.

(d) Non-residential lots for uses other than a restaurant not on public sewer shall have a minimum lot size of 10,000 square feet.

(e) Non-residential lots not on public sewer for a restaurant use shall have a minimum lot size of 20,000 square feet.

(2) Lot coverage. The total area of structures, parking lots and other non-vegetated surfaces shall not exceed 70% of the lot, including land area previously developed.

(3) Road frontage. All lots shall have a minimum of 50 feet of road frontage.

C. Wastewater Disposal Requirements. Notwithstanding any other provision in this ordinance or the Development Review Ordinance to the contrary, the following wastewater disposal requirements apply in the Town Centers District:

(1) All new construction on or after July 1, 2018 shall be connected to a public sewer and water system, if available at the time of construction.

(2) For a Multiunit Dwelling, if a public sewer system is not available at the time of construction, all units must be served by a common subsurface waste water disposal system in accordance with the Maine State Subsurface Wastewater Disposal Rules.

(3) The separation distance between any public sewer or subsurface wastewater disposal system and any well must be a minimum of 200 feet, unless a pre-treatment system approved by the Maine Department of Health and Human Services and Local



Plumbing Inspector is installed in which case the minimum separation distance shall be no less than 100 feet.

D. Parking and Traffic Circulation Requirements. Notwithstanding any other provision in this ordinance or the Development Review Ordinance to the contrary, the following parking and traffic circulation requirements apply in the Town Centers District:

- (1) For mixed use or commercial sites, vehicle parking lots shall be designed so that delivery, sanitation, emergency and other public service vehicles can serve the site without the necessity of backing up unreasonable distances or making dangerous or hazardous turning movements.
- (2) All new residential units constructed on or after July 1, 2018 shall have a minimum of one (1) parking space per dwelling unit, and any residential unit enlarged or expanded on or after July 1, 2018 shall have a minimum of one (1) parking space per dwelling unit.
- (3) Off-Street Parking Spaces Requirements.

<u>Use</u>	<u>Off-Street Parking (round down; sq. ft. applies to total floor area of facility)</u>
<u>Food service facilities and activities, including restaurants, taverns and lounges</u>	<u>1 space / 4 seats in dining area plus 1 space / 150 sq. ft. of lounge, bar and waiting area plus 1 space / employee</u>
<u>Hotels, motels, cabins, inns and bed and breakfasts</u>	<u>1 space / each room to be rented plus 1 space / employee</u>
<u>Institutional facilities</u>	<u>1 space / 200 sq. ft. plus 1 space for each employee</u>
<u>Nursing and convalescent homes, congregate living, and health care facilities</u>	<u>1 space / bed plus 1 space / employee or 1 space / 200 sq. ft., whichever is greater</u>
<u>Retail establishments</u>	<u>1 space / 300 sq. ft. plus 1 space / employee</u>
<u>All other commercial uses not otherwise listed above</u>	<u>1 space / 500 sq. ft. excluding storage areas plus 1 space / employee</u>

If public parking exists within 300 ft. of a facility, reduce the required number of off-street parking spaces by (Public parking spaces/Off-Street parking requirement), rounded up to a whole number of parking spaces. (For example, if a retail store has 1,000 sq. ft.

and 4 employees on one shift and a 15 car public parking area is within 300 ft. of the store, the off-street parking requirement is  $1,000/300 \approx 3$ ;  $3 + 4 = 7$ ;  $(15/7) \approx 3$ ;  $7 - 3 = 4$ .)

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6. Amend § 125-33, regarding Minimum Lot Size, as follows:

**§ 125-33. Minimum lot size in all districts.**

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- I. Except in a Maritime Activities or Town Centers District, if more than one dwelling unit, with the exception of an accessory dwelling unit, or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements, other than road frontage, shall be met for each additional dwelling unit or principal structure. [Amended 3-9-2015]
- J. Except in the Maritime Activities or Town Centers District, the total area of structures, parking lots and other non-vegetated surfaces shall not exceed 20% of the lot, including land area previously developed. In the Maritime Activities District lot coverage shall not exceed 70%.

Note: Structures, facilities and uses on lots that do not meet the dimensional requirements of this § 125-33, including frontage and area, shall not be considered nonconforming, provided that they meet all setback requirements and permitted uses of the district in which they are located.

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7. Amend § 125-61, regarding Definitions, as follows:

**§ 125-61. Word usage and definitions.**

- A. Words used and not otherwise defined in this chapter shall have their customary definitions as defined in any standard college-level dictionary. For purposes of this chapter the singular use of a word or phrase shall include the plural. [Amended 6-6-2012]
- B. As used in this chapter, the following terms shall have the meanings indicated:

••••

**EXCEPTED LOT**

A lot established for a specific use in any district that is appropriate by virtue of its specific use to be less than 65,340 square feet in area in any district other than Town Centers District or less than the minimum lot area required in the Town Centers District and that is subject to all the provisions of § 125-33K of this chapter. Specific permitted uses may include, but are not limited to, parking lots, boat launching ramps, tennis courts, public recreation fields, private or municipal garages and storage buildings and the like. Prohibited uses include, but are not limited to, dwelling units, commercial structures, and other uses appropriate to lots



having a minimum area of 65,340 square feet.

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**MIXED USE DEVELOPMENT**

The development of a building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, or retail uses.

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8. Amend the Table of Land Uses as follows:

**Table of Land Uses**

**Key to Table of Land Uses:**

- RU Rural Protection District
- RP Resource Protection District
- LD Limited Development District
- MP Meadow Pond District
- SP Shoreland Protection District
- MA Maritime Activities District
- TC Town Centers District
- CEO Apply to Codes Enforcement Officer for permit
- [CEO] Prior approval of Codes Enforcement Officer is required, but no permit or fee is required
- PB Planning Board approval is required
- Y Activity, use, or facility is permitted, no permit required
- N Activity, use, or facility is prohibited
- N/A Not applicable

Land Use or Activity	•••••	<u>TC</u>
Agriculture (1)(3)	•••••	<u>PB</u>
Aquiculture (1)	•••••	<u>PB</u>
Automobile graveyards and junkyards (1)	•••••	<u>N</u>
Boatyards, boat storage, and boat building activities (commercial)	•••••	<u>N</u>
Campgrounds, commercial (1)	•••••	<u>N</u>
Camping, individual private camp sites (9)	•••••	<u>CEO</u>
Camping, public (other than on Warren's Island) (15)	•••••	<u>N</u>
Clearing of vegetation for approved construction (3)(4)	•••••	<u>CEO</u>
Clearing of vegetation for other than approved construction (4)	•••••	<u>CEO</u>
Commercial activities and structures associated with such activities, except customary home occupations and small workshops	•••••	<u>PB</u>
Communication and navigation facilities	•••••	<u>CEO</u>
Conversion of seasonal residence to year-round residence (8)	•••••	<u>PB</u>

DRAFT #6 for PI Bd meeting on 12/18/17

Customary home occupations and small workshops	• • • •	<u>PB</u>
Driveways (12)	• • • •	<u>CEO</u>
Dumps and landfills, commercial or private	• • • •	<u>N</u>
Dumps and landfills, municipal	• • • •	<u>N</u>
Emergency operations (1)	• • • •	<u>Y</u>
Erosion control (1)	• • • •	<u>CEO</u>
Essential services (1)(11)	• • • •	<u>PB</u>
Fences	• • • •	<u>CEO</u>
Filling and earth moving of less than 10 cubic yards	• • • •	<u>Y</u>
Filling and earth moving of more than 10 cubic yards	• • • •	<u>Y</u>
Fire ponds/ponds (14)	• • • •	<u>PB</u>
Food service facilities and activities	• • • •	<u>PB</u>
Forest management activities, except timber harvesting (13)	• • • •	<u>Y</u>
Hotels, motels, cabins and inns (1)	• • • •	<u>PB</u>
Manufacturing, industrial fabrication and other industrial uses (other than boat building)	• • • •	<u>PB</u>
Marinas (1)	• • • •	<u>PB</u>
Mineral exploration (10)	• • • •	<u>Y</u>
Mineral extraction including sand and gravel (1)(3)(5)	• • • •	<u>PB</u>
Mobile home, modular home and manufactured home parks (18)	• • • •	<u>PB</u>
Oil and fuel storage facilities (commercial) (17)	• • • •	<u>PB</u>
Parking facilities	• • • •	<u>CEO</u>
Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high waterline or within a wetland (16)	• • • •	
A. Temporary (fewer than 7 months per calendar year) (7)	• • • •	<u>CEO</u>
B. Permanent	• • • •	<u>PB</u>
Recreational activities and structures associated with those activities (commercial)	• • • •	<u>PB</u>
Recreational uses, nonintensive, not requiring structures, such as hunting, fishing, and hiking	• • • •	<u>Y</u>
Refineries, oil or chemical	• • • •	<u>N</u>
Retail establishments not related to maritime activities	• • • •	<u>PB</u>
Retail establishments related to maritime activities	• • • •	<u>PB</u>
Road construction (12)	• • • •	<u>PB</u>
Rooming houses, congregate living and bed-and-breakfast (1)(21)	• • • •	<u>PB</u>
Nursing and convalescent homes (1)	• • • •	<u>PB</u>
Service drops to allowed uses (1)	• • • •	<u>Y</u>
Sewage disposal systems, private, for existing or allowed uses (8)	• • • •	<u>CEO</u>
Shore access including steps, stairways, and ramps (16)	• • • •	<u>CEO</u>
Signs	• • • •	<u>CEO</u>
Signs, flashing, moving, or animated	• • • •	<u>N</u>
Slaughterhouses	• • • •	<u>N</u>
Soil and water conservation practices	• • • •	<u>Y</u>
Structures, accessory structures for allowed uses	• • • •	<u>CEO</u>
Structures, principal structures and uses: (22)	• • • •	



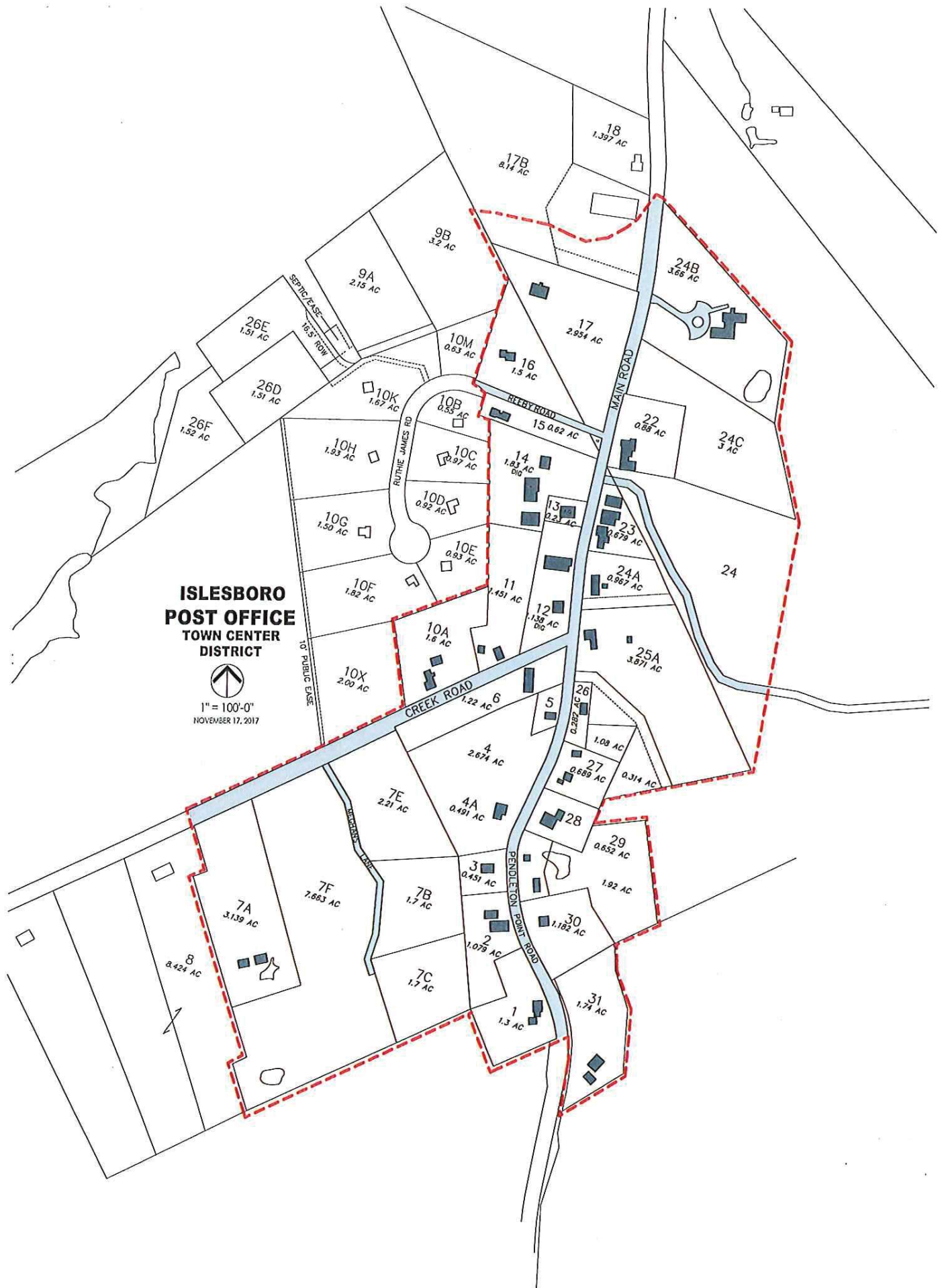
DRAFT #6 for PI Bd meeting on 12/18/17

A. One- and two-family residential	• • •	<u>PB</u>
B. Multi-unit residential (6)(20)	• • •	<u>PB</u>
C. Commercial, industrial, municipal, institutional, utility, fraternal, or recreational [other than “recreational activities and structures associated with those activities (commercial)” above] (6)	• • •	<u>PB</u>
Structures and facilities associated with fishing, mollusk, crustacean, or shellfish cultivation or harvesting (16)	• • •	
A. Commercial	• • •	<u>PB</u>
B. Private	• • •	<u>CEO</u>
Structures, facilities, or activities not meeting the criteria of § 125-15A(1) through (7)	• • •	<u>N</u>
Structures and facilities, existing, repair and maintenance of (19)	• • •	<u>Y</u>
Surveying and resource analysis	• • •	<u>Y</u>
Timber harvesting (2)(3)	• • •	<u>CEO</u>
Uses or activities which would adversely affect or injure significant wildlife habitat	• • •	<u>N</u>
Uses similar to uses requiring permit from CEO	• • •	<u>CEO</u>
Uses similar to uses requiring permit from Planning Board	• • •	<u>PB</u>
Utility poles	• • •	<u>CEO</u>
Vehicle use on existing roads and trails	• • •	<u>Y</u>
Wildlife management practices	• • •	<u>Y</u>

**ISLESBORO  
POST OFFICE  
TOWN CENTER  
DISTRICT**



1" = 100'-0"  
NOVEMBER 17, 2017



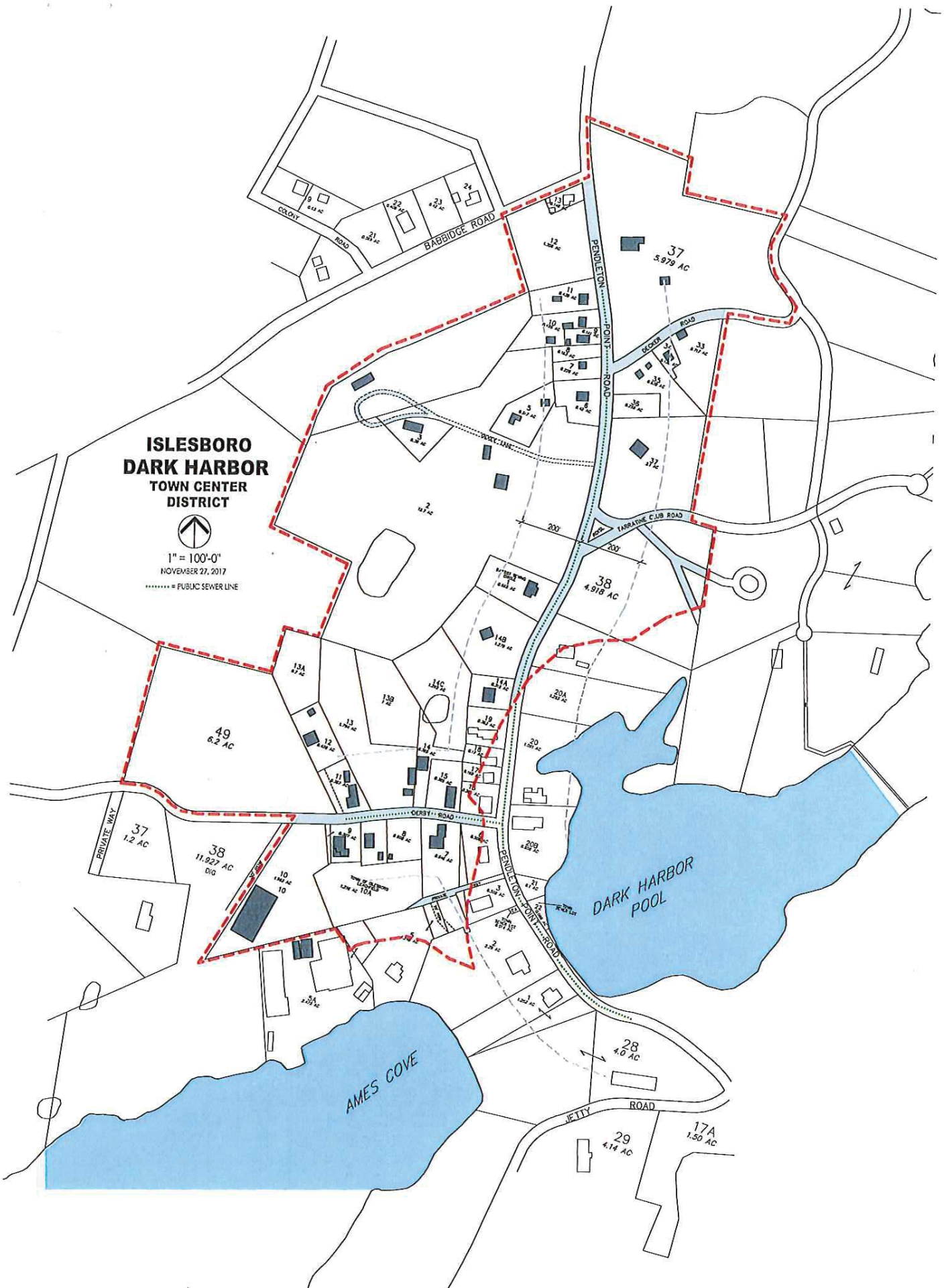


**ISLESBORO  
DARK HARBOR  
TOWN CENTER  
DISTRICT**

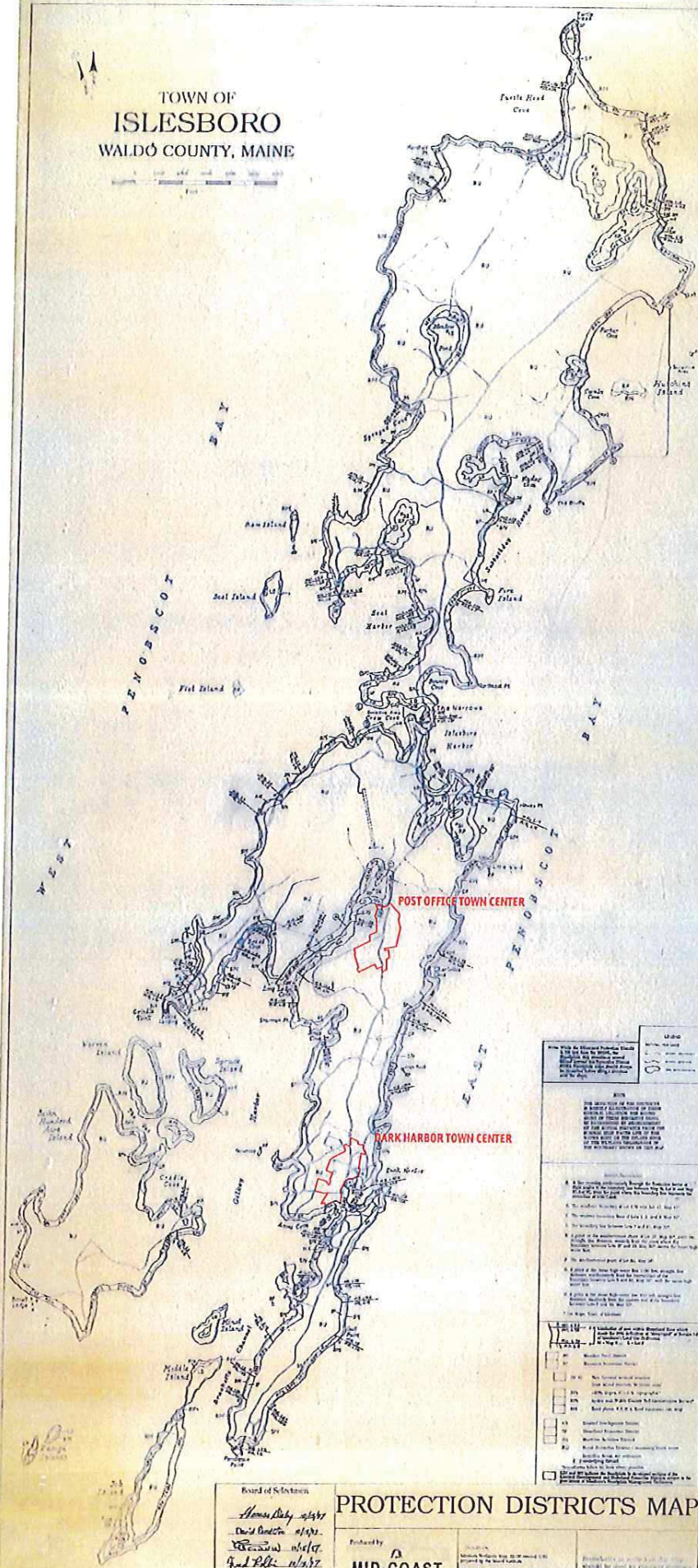
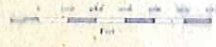


1" = 100'-0"  
NOVEMBER 27, 2017

..... = PUBLIC SEWER LINE



TOWN OF  
ISLESBORO  
WALDO COUNTY, MAINE



**Legend**

**Water**

**Shaded Relief**

**Boundaries**

**Other**

**Notes**

1. The boundary between the Town of Islesboro and the Town of Seal is shown by a dashed line.

2. The boundary between the Town of Islesboro and the Town of Dark Harbor is shown by a dashed line.

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10. The boundary between the Town of Islesboro and the Town of Dark Harbor is shown by a dashed line.

Board of Selectmen

*Thomas Doherty 1991*

*David Boudin 1991*

*Thomas Doherty 1991*

*Paul Doherty 1991*

*John Doherty 1991*

Produced by

**MID-COAST REGIONAL PLANNING COMMISSION**

1991

1:25,000

Scale: 1:25,000

1991

1:25,000

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1991

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