

**LAND USE ORDINANCE FOR THE SHORELANDS
OF THE TOWN OF CRANBERRY ISLES, HANCOCK COUNTY, MAINE**

SECTION I. AUTHORITY

This ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

SECTION II. PURPOSE

The purposes of this ordinance are to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; to protect buildings and land from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover and visual as well as actual points of access to coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

SECTION III. APPLICABILITY

This ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high water line of any saltwater body; within 250 feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; and within 75 feet, horizontal distance, of the normal high water line of a stream. This ordinance also applies to any structure built on, over, or abutting a dock, wharf or pier, or other structure extending beyond the normal high water line of a water body or within a wetland. This ordinance becomes effective immediately upon enactment.

**SECTION IV.
AVAILABILITY, SEVERABILITY, CONFLICTS WITH OTHER ORDINANCES**

Availability

A certified copy of this ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this ordinance shall be posted.

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 the ordinance.

Conflicts with Other Ordinances

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

SECTION V. AMENDMENTS

- A. Amendments of this ordinance may be made only by a majority vote of the eligible voters present and voting at any regular or special town meeting, and only under the following conditions:
1. The Planning Board shall have held a public hearing on the proposed change, after 14 days notice in a local newspaper, and posting notice in a public place on Great and Little Cranberry Islands.
 2. The Planning Board shall have reported in writing to the Selectmen its opinion as to the desirability of the proposed change. If the Planning Board has not submitted its report within 30 days following the public hearing, its concurrence with the proposed change shall be assumed.
- B. The Planning Board shall hold the public hearing prescribed above within 30 days after a proposed amendment to this ordinance has been presented to the Planning Board by the Selectmen or by a petition signed by not less than 10 registered voters of the town.

SECTION VIII. USES PERMITTED

LAND USE	DISTRICT				
	RP	LDR	MR	BUS	WDCR
1. PRINCIPAL STRUCTURES					
a) single family	NO	PB 1/	CEO	NO	PB
b) duplex	NO	NO	CEO	CEO 2/	CEO2*/
c) multi-family	NO	NO	PB 3/	CEO 4/	CEO4*/
d) mixed use	NO	NO	PB 5/	PB	PB 5*/
e) commercial	NO	NO	CEO	CEO	NO
f) industrial	NO	NO	PB	CEO	NO
g) governmental/ institutional	NO	NO	PB	CEO	NO
h) restaurants	NO	NO	PB	CEO	NO
i) places of assembly/church	NO	NO	CEO	CEO	NO
j) functionally water dependent	NO	PB	CEO	CEO	PB
2. ACCESSORY STRUCTURES					
a) <250 sq.ft.	PB 6/	CEO	CEO	CEO	CEO
b) >250 sq.ft.	NO	PB	CEO	CEO	PB
3. MARINAS					
a) commercial fishing marina	NO	NO	PB 7/	PB	PB
b) pleasure boat marina	NO 8/	NO	PB	PB	PB
4. PIERS, DOCKS, WHARFS BRIDGES, AND OTHER STRUCTURES/USES EXTENDING OVER/BELOW HIGH WATER LINE/ OR IN A WETLAND					
a) temporary	CEO	CEO	CEO	CEO	CEO
b) permanent	PB 9/	PB	PB	PB	PB
5. HOME OCCUPATIONS	NO 10/	PB 10/	PB 10/	CEO 10/	CEO10/
6. CONVERSION SEASONAL RESIDENCES TO YEAR- ROUND USE	NO	PB/LPI	LPI	LPI	PB/LPI

7.PRIVATE SEWAGE DISPOSAL SYSTEMS FOR ALLOWED USES	NO	PB/LPI	LPI	LPI	PB/LPI
8.ROAD/DRIVEWAY CONSTRUCTION	NO 11/	PB	CEO	CEO	CEO
9.REMOVAL OF SHORE MATERIAL	NO	NO	NO	NO	NO
10.CLEARING VEGETATION FOR ALLOWED USES/ APPROVED CONSTRUCTION	NO	CEO 12/	YES	YES	YES
11.TIMBER HARVESTING	CEO	CEO	CEO	YES	CEO
12.FOREST MANAGEMENT ACTIVITIES OTHER THAN TIMBER HARVESTING					
a. APPLICATION OF PESTICIDES, HERBICIDES, FERTILIZERS & OTHER SIMILAR ORGANIC & INORGANIC SUBSTANCES	PB	PB	PB	PB	PB
b. OTHER MANAGEMENT ACTIVITIES	YES	YES	YES	YES	YES
13.WILDLIFE MANAGEMENT	YES	YES	YES	YES	YES
14.EMERGENCY OPERATIONS	YES	YES	YES	YES	YES
15.INDIVIDUAL PRIVATE CAMPSITES	NO	CEO	CEO	CEO	CEO
16.CAMPGROUNDS	NO	NO	NO	PB	NO
17.PARKING FACILITIES	NO	PB	CEO	CEO	PB
18.PUBLIC RECREATIONAL AREAS INVOLVING MINIMAL STRUCTURES	PB	PB	CEO	CEO	PB
19.NON-INTENSIVE RE- CREATION AREAS NOT WITH STRUCTURES	YES	YES	YES	YES	YES
20.MINERAL EXPLORATION NOT INCLUDING SAND/ GRAVEL REMOVAL	CEO 13/	CEO	CEO	CEO	CEO
21.AGRICULTURE	PB 14/	YES	YES	YES	CEO

replace an existing use or structure; or renew a discontinued nonconforming use.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a site plan to scale, on a form provided by the town, to the appropriate official as indicated on the form.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or the lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. No building permit shall be issued for any structure or use requiring the construction, installation, or alteration of plumbing facilities unless a permit for such facilities has been secured by the applicant or his/her agent, according to the requirements of this Ordinance.

D. Procedure for Administering Permits

Within 30 days of the date of receiving a written application, the Planning Board or the Code Enforcement Officer shall notify the applicant in writing that the application is a complete application, or, if the application is incomplete, the specified additional material needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 30 days of receiving the completed application. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed structure or land use activity is in conformity with the purposes and provisions of this Ordinance.

The Code Enforcement Officer shall approve or deny those applications on which he/she is empowered to act as shown in Section VIII. Approval shall be granted only if the proposed use is in conformance with the purposes and provisions of this Ordinance.

The Planning Board shall approve, approve with conditions, or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board shall, after the submission of a complete application including all information requested, grant a permit if it makes a positive finding based on the information presented to it that, except as specifically exempted in this Ordinance, the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in erosion or sedimentation;
3. Will not result in water pollution.
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;
5. Will conserve shoreland vegetation;
6. Will conserve visual points of access to waters as viewed from public facilities;
7. Will conserve actual points of public access to waters;
8. Will protect archaeological and historic resources as designated in the comprehensive plan;
9. Will not adversely affect existing commercial fishing or maritime activities;
10. Will avoid problems associated with flood plain development and use; and
11. Is in conformance with the provisions of Section XI, Land use Standards.

If a permit is either denied or approved with conditions, the reasons as well as the conditions shall be stated in writing.

No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

E. Expiration of Permit

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void.

Dock: Any structure attached to land and extending into or over water.

Emergency Operations: Emergency operations shall include operations conducted for the public health, safety, or general welfare, such as the protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property, and livestock from the threat of destruction or injury.

Expansion of Property Use: The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Expansion of a Structure: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches, and greenhouses.

Family: Persons related by blood or marriage or not more than five persons not so related, occupying premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or both.

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls plus the horizontal area of any unenclosed portions of a structure such as porches or decks.

Forest Management Activities: Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation, or maintenance of roads.

Foundation: The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

Freshwater Wetlands: Freshwater swamps, marshes, bogs, and similar areas which are:

1. of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook such that in a natural state the combined surface area is in excess of 10 acres; and
2. inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

