

# Town of Howland



# ZONING ORDINANCE



## Table of Contents

ARTICLE 1 – PURPOSES.....	1
ARTICLE 2 – AUTHORITY AND ADMINISTRATION.....	1
2.1 Authority.....	1
2.2 Administration.....	1
2.3 Amendments.....	1
ARTICLE 3 - GENERAL PROVISIONS.....	2
3.1 Interpretation.....	2
3.2 Application.....	2
3.3 Permit Required.....	2
3.4 Code Enforcement Officer.....	2
3.5 Violations.....	3
3.6 Board of Appeals.....	3
3.7 Variances.....	3
3.8 Appeal to Superior Court.....	4
3.9 Sale of Land.....	5
ARTICLE 4 – ESTABLISHMENT OF ZONING DISTRICTS.....	5
4.1 Districts.....	5
4.2 Official Zoning Map.....	5
ARTICLE 5 – REGULATIONS PERTAINING EQUALLY TO ALL DISTRICT ZONES NOTWITHSTANDING REGULATIONS PERTAINING TO INDIVIDUAL DISTRICT ZONES.....	6
5.1 Exceptions.....	6
5.2 Discontinued and Re-establishment of Use.....	6
5.3 Prohibited Uses.....	6
5.4 Second Dwelling on Lot.....	6
5.5 Deposit of Waste or Junk.....	6
5.6 Sewage Emission.....	6
5.7 Structure With Party Wall.....	7
5.8 Setback Requirements.....	7
5.9 Traffic Safety.....	7
5.10 Parking.....	7
5.11 Location of Parking Facilities.....	7
5.12 Loading and Unloading of Trucks.....	8
5.13 Municipal Parking Facilities.....	8
5.14 Temporary Structures and Signs.....	8
5.15 Dangerous Situations.....	8

ARTICLE 6. REGULATIONS PERTAINING TO INDIVIDUAL DISTRICT ZONES	8
6.1 Mixed Use District.....	8
6.2 Industrial District.....	9
6.3 Residential District.....	10
6.4 Rural Residential District.....	10
6.5 Recreation and Open Space District.....	11
6.6 Aquifer Protection Overlay District.....	12
ARTICLE 7 – DEFINITIONS.....	13

## **ARTICLE 1. PURPOSES**

- 1.1 To assure that development in the Town of Howland meets the goals and conforms to the policies of the Howland Comprehensive Plan;
- 1.2 To assure the comfort, convenience, safety and welfare of the people of the Town of Howland;
- 1.3 To assure that a minimal level of services and facilities are available to the residents and to assure that lots are capable of supporting the proposed uses and structures;
- 1.4 To minimize the potential impacts from new construction or additions on neighboring properties and on the municipality; and
- 1.5 To promote the development of an economically sound and stable community.

## **ARTICLE 2. AUTHORITY AND ADMINISTRATION**

### **2.1 Authority**

- A. These standards have been prepared in accordance with Section 61, Chapter 90A MRSA, 1954, as amended, pertaining to Zoning Regulations and Board of Appeals and is hereby adopted by reference.
- B. These standards shall be known and may be cited as “Zoning Ordinance of the Town of Howland, Maine”.

### **2.2 Administration**

- A. The Code Enforcement Officer and the Planning Board of the Town of Howland shall administer these regulations.
- B. The provisions of these regulations shall pertain to all construction, new or additions, proposed within the boundaries of the Town of Howland.

### **2.3 Amendments**

- A. On petition or on recommendation of the Planning Board or on their own motion, the municipal officers may bring a proposed amendment of this ordinance before the legislative body.

## **ARTICLE 3. GENERAL PROVISIONS**

### **3.1 Interpretation**

- A. Interpretations of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

### **3.2 Application**

- A. This Ordinance applies within the Town of Howland, to the actions listed below:
  - 1) Change of exterior dimensions of more than two feet of an existing structure;
  - 2) Change of exterior dimensions of a sign;
  - 3) Change of use;
  - 4) Reconstruction of a disaster destroyed structure;
  - 5) Building a new structure including a sign;
  - 6) Resumption of use of a lot or structure;
  - 7) Establishment of new use of a lot or structure; or
  - 8) Extraction of mineral resources.

### **3.3 Permit Required**

- A. Anyone who wishes to take any of the actions listed above must apply to and obtain a building permit from the Code Enforcement Officer.
- B. Application shall be in writing and account for all aspects to which this ordinance applies. Building permits are valid for ninety (90) days for beginning construction or use and two years for completion of construction.

### **3.4 Code Enforcement Officer**

- A. The Code Enforcement Officer shall enforce this ordinance for which purpose he/she shall establish reasonable procedures. He/she shall keep all activities within the jurisdiction of this ordinance under surveillance. He/she shall

- B. The appeal to the Superior Court shall be taken within thirty (30) days after the decision. Notice of the appeal shall be ordered by the court and the appeal shall be tried and determined by the court without jury in the manner and with the rights provided by law in other civil actions so heard. Costs may be awarded to the prevailing party by the court, as justice requires.

**3.9 Sale of Land**

- A. It is unlawful for any landowner to sell or divide parcels of land in such a manner so as to create a lot or parcel of land with no right-of-way to it.
- B. It is unlawful for any landowner to sell or divide a lot or parcel of land that does not conform to the lot requirements of the District the lot is located in.

**ARTICLE 4. ESTABLISHMENT OF ZONING DISTRICTS**

**4.1 The Town of Howland is divided into the following Zoning Districts:**

Mixed Use District  
Industrial District  
Residential A District  
Rural Residential District  
Recreation and Open Space District  
Aquifer Protection Overlay District.

**4.2 Official Zoning Map**

- A. Districts are located and bounded as shown on the Official Zoning Map which is adopted by reference. The Official Zoning Map shall be identified by the signatures of the Board of Selectmen and attested by the signature of the Town Clerk who shall administer the maps. For interpretations of zone boundary lines, the following rules shall apply:
  - 1) Boundary shown as approximately following centerline of street, line platted at the time of adoption of this Ordinance or town line shall be construed to follow such line.
  - 2) Boundary shown as approximately following shoreline shall be construed as following the mean high tide line at the time of adoption of this Ordinance.

- 3) Distances not thus defined or dimensioned shall be scaled to the center of the boundary line.

**ARTICLE 5. REGULATIONS PERTAINING EQUALLY TO ALL DISTRICT ZONES NOTWITHSTANDING REGULATIONS PERTAINING TO INDIVIDUAL DISTRICT ZONES**

**5.1 Exceptions:** Excepted from the regulations in all zones are:

- A. Structures and uses existing at the time the Ordinance is enacted;
- B. Reconstruction of structures destroyed less than 50% by disaster; or
- C. The area of the lot or plot of record at the time of adoption of this Ordinance.

**5.2 Discontinued and Re-establishment of Use:** No conforming use that has been discontinued for a continuous period of one year shall be re-established except in conformity with this Ordinance. No non-conforming structure that has been destroyed or abandoned for a continual period of one year shall be rebuilt except in conformity with this Ordinance.

**5.3 Prohibited Uses:**

- A. Uses or structures judged to be dangerous, noxious, injurious, unsightly, noisy, bad smelling, dirty, dusty, sooty or otherwise offensive to the surroundings of the community as a whole are prohibited.
- B. In no zone shall use or structure be permitted to be established for which it can be established that it would significantly depreciate the value of the adjacent real estate.

**5.4 Second Dwelling on Lot:** Any established lot, at the time this Ordinance is adopted, that contains a dwelling, will not be allowed to place a second dwelling on the lot unless the lot contains sufficient frontage and lot area so that it could be divided into two separate lots each conforming to the lot size of the individual zone.

**5.5 Deposit of Waste or Junk:** No land, except municipal refuse disposal facilities, may be used for deposits of waste or junk, unless equipped with fully adequate arrangements for pacification of what is offensive.

- 5.6 Sewage Emission:** No use which emits sewage is permitted in any zone unless it is connected to the public sewer system or is equipped with its own adequate sewer disposal facilities according to the Sewer Ordinance for Howland and the State of Maine Plumbing Code.
- 5.7 Structures With Party Wall:** Structures with a party wall shared with a neighbor on side and without windows facing side property line may, as exception, be built with no setback on the side with the party wall with the additional requirements that the affected neighbors consent, in writing, must be sought.
- 5.8 Setback Requirements:** Prescribed setback in front may be lessened or shall be enlarged to conform with the average setback in front of the existing buildings on the affected portion of the street within the zone. No setback is required between an industrial building and a railroad right-of-way. A sign may be placed in the front setback area but may not protrude outside property lines.
- 5.9 Traffic Safety:** Where essential for traffic safety, a property owner may be required to keep vegetation, sign or other obstruction below three feet in the required setback.
- 5.10 Parking:** Every new structure and use shall be provided with adequate off-street parking facilities for all cars which may frequent the structure. In case of extension or alteration of a use, the extension of the entire alteration shall be provided with adequate parking. As applies, one or several of the most restrictive of the following parking standards shall govern:
- A. Two spaces for each 3.5 persons accommodated in an establishment for assembly, entertainment or eating;
  - B. One space for each 250 square feet of retail floor space or for each two berths at a marina;
  - C. One space for each three persons who may frequent excursion facilities;
  - D. One space for each of the first three employees and for each 1.5 additional employees; or
  - E. In cases which the above standards do not apply, the Planning Board shall establish reasonable proportionate standards.



- 5.11 Location of Parking Facilities:** Location of parking facilities shall be on a lot in the same ownership, within 150 yards walking distance, in each case not closer to the lot line than the required setback. Parking lots for more than five cars shall be designed that no car needs to back into the street. Parking lots for more than five cars in residential zones may be required by the Planning Board to be fully screened from view from the street.
- 5.12 Loading and Unloading of Trucks:** All uses frequented, i.e., about thirty (30) times a year, loading and unloading trucks shall be equipped with adequate off-street space for this purpose and, if necessary, to prevent backing into the street for turning movements.
- 5.13 Municipal Parking Facilities:** Where the Town may provide municipal parking facilities adjacent uses may be proportionately freed from the off-street parking requirements provided such use participates proportionately in the cost for such municipal facility.
- 5.14 Temporary Structures and Signs:** Temporary structures necessary for construction of permitted facilities and temporary signs of maximum six square feet exemplified by signs pertaining to lease or sale of the premises are permitted for a reasonable time in all zones.
- 5.15 Dangerous Situations:** Banks that have been dug into and left without an adequate pitch to them or open holes are considered dangerous and harmful and will not be permitted.

## **ARTICLE 6. REGULATIONS PERTAINING TO INDIVIDUAL DISTRICT ZONES**

### **6.1 MIXED USE DISTRICT**

The purpose of the Mixed Use District is to provide higher density development, which promotes the traditional neighborhood and encompasses a broad range of uses including some commercial and residential as well as municipal services.

- a) **PERMITTED USES:** Single-family and Multi-family Housing Units (with accessory uses customarily incidental to residential uses), Mobile Home Parks (subject to the regulations of the Mobile Home Park Ordinance), Nursing Homes, Boarding Homes, Churches, Schools, Municipal Facilities

and Services, Service Organizations, Banks, Restaurants and Cafes, Beauty Shops, Medical/Dental Clinics/Offices, Professional Offices, Gas Stations, Day Care Centers, Bed and Breakfast Accommodations, Cemeteries, Greenhouses, Small Retail Businesses and Home-Based Occupations.

- b) **LOT AREA:** Minimum 10,000 square feet; for other uses listed above a minimum of 13,000 square feet.
- c) **FRONTAGE:** Minimum of 100 feet.
- d) **SETBACK:** In front a minimum of 20 feet; on side a minimum of 10 feet; and in back a minimum of 10 feet.
- e) **GROUND COVERAGE:** Minimum of 650 square feet.
- f) **BUILDING HEIGHT:** Maximum of 30 feet.
- g) **ANIMALS:** The usual household pets may be kept. Usual household pets include, but not limited to, cats, dogs, ferrets, canaries, parrots, parakeets, hamsters, white mice and guinea pigs.
- h) **MOBILE HOME OR TRAILER:** Any mobile home or trailer placed on a lot shall be skirted. The skirting must have a minimum of two vents measuring at least 6" X 12" and placed so as to provide cross ventilation. There must be a removable opening by the water line to allow installation and service of the water meter. Contact water department for more information.

## 6.2 INDUSTRIAL DISTRICT

The purpose of the Industrial District is to accommodate industrial or manufacturing operations, which on the basis of actual physical characteristics and in their normal operations have little or no adverse effect to the surrounding area.

- a) **PERMITTED USES:** Manufacturing, Sales, Storage, Truck Terminal, Wholesale, Repair Service and Sales of Motor Vehicles, Gasoline Stations, Retail and Service Establishments Intended to Service Primarily the Industrial District, Junkyards and Automobile Graveyards (conforming to the Junkyard and Automobile Graveyard Ordinance), Accessory Uses (customarily incidental to the above uses exemplified by Office, Laboratory and Watchmen's Dwelling), and One Sign pertaining to the premises not larger than 36 square feet.

- b) **LOT AREA:** A minimum of one acre.
- c) **FRONTAGE:** Minimum of 200 feet.
- d) **SETBACK:** In front a minimum of 50 feet, on the side and back a minimum of 20 feet.
- e) **BUILDING HEIGHT:** A maximum of 30 feet.

### 6.3 RESIDENTIAL DISTRICT

The purpose of the Residential District is to encourage high standard residential development with essentially One-family Homes and prevent development which might be incompatible with single-family residential uses.

- a) **PERMITTED USES:** Single-family Housing Units, Accessory Uses (customarily incidental to the above permitted use and not detrimental to a residential neighborhood) and Home-based Occupations.
- b) **LOT AREA:** Minimum of 20,000 square feet. (100' X 200')
- c) **FRONTAGE:** Minimum of 100 feet.
- d) **SETBACK:** In front 15 feet, on side a minimum of 15 feet, and in back a minimum of 15 feet.
- e) **GROUND COVERAGE:** Minimum of 11,200 square feet for one story dwelling, 900 square feet for a two story dwelling.
- f) **BUILDING HEIGHT:** Maximum of 30 feet.
- g) **ANIMALS:** The usual household pets may be kept. Usual household pets include, but are not limited to, cats, dogs, ferrets, canaries, parrots, parakeets, hamsters, white mice and guinea pigs.

### 6.4 RURAL RESIDENTIAL DISTRICT

The purpose of the Rural Residential District is to provide for low-density development as a means of preserving the open space characteristics of country living and prevent development which may, in the foreseeable future, require extension of municipal services.

- a) **PERMITTED USES:** Single-family and Two-family Housing Units, Accessory uses (customarily incidental to a residential use), Campgrounds, Tourist Accommodations, Recreational Activities (and associated facilities), Wildlife and Fishery Practices, Agricultural Practices, Tree Farms, Horse Stables, Animal Clinics, Auction Barns, Horticulture Activities, Mineral Extraction (provided a \$500 bond is posted with the Town Treasurer to guarantee compliance with the conditions that one month after completion of extraction or a predetermined date, the area is made safe and sightly by grading), Forest Management Activities (including Commercial Timber Harvesting), Non-Commercial Scientific, Educational or Nature Observation Purposes, Low-impact Retail Establishments, Churches, Cemeteries and Home-based Occupations.
- b) **LOT AREA:** A minimum of 1 acre.
- c) **FRONTAGE:** A minimum of 200 feet.
- d) **SETBACK:** A minimum of 20 feet all around.
- e) **GROUND COVERAGE:** A minimum of 750 square feet.
- f) **ANIMALS:** The usual household pets may be kept. Usual household pets include, but not limited to, cats, dogs, ferrets, canaries, parrots, parakeets, hamsters, white mice and guinea pigs. If other than the usual household pets are kept, a minimum of 2½ acres is needed.

## 6.5 RECREATION AND OPEN SPACE DISTRICT

The purpose of this District is to protect and provide for the continuation of forestry and open space, and permit compatible recreational development in harmony with reasonable levels of rural residential development in keeping with the special rural character, environmental protection needs, and limited rural infrastructure.

- a) **PERMITTED USES:** Single-family Housing Units, Accessory Uses (customarily incidental to a residential use), Campgrounds, Tourist Accommodations, Sporting Camps, Recreational Activities, Wildlife and Fishery Practices, Forest Management Activities (including Commercial Timber Harvesting), Agricultural Activities, Tree Farms, Horse Stables,

Horticulture Activities, Mineral Exploration and Extraction (provided a \$500 bond is posted with the Town Treasurer to guarantee compliance with the condition that one month after completion of extraction or a predetermined reasonable date, the area is made safe and sightly by grading), Scientific, Educational or Nature Observation Purposes, Cemeteries and Home-based Occupations.

- b) **LOT AREA:** A minimum of 30,000 square feet.
- c) **FRONTAGE:** A minimum of 150 feet.
- d) **SETBACK:** In front a minimum of 25 feet, on the side a minimum of 15 feet and in back a minimum of 30 feet.
- e) **GROUND COVERAGE:** A minimum of 750 square feet.
- f) **BUILDING HEIGHT:** A maximum of 30 feet.
- g) **ANIMALS:** The usual household pets may be kept. Usual household pets include, but are not limited to, cats, dogs, ferrets, canaries, parrots, parakeets, hamsters, white mice and guinea pigs. If other than usual household pets are kept, a minimum of 2½ acres is needed.

## 6.6 **AQUIFER PROTECTION OVERLAY DISTRICT**

The purpose of the proposed Aquifer Protection District is to promote and protect the public health, safety and welfare by ensuring adequate quality and quantity of drinking water for residents and businesses. To protect water resources it is sometimes necessary to limit development and the types of activities allowed in the Aquifer Protection District. Within an Overlay District, the requirements of the underlying district continue to apply, except where the requirements of the Protection Overlay District are more stringent.

**PROHIBITED USES:** Prohibited uses within the Aquifer Protection Overlay District include the manufacture, use, storage (above or below ground) or disposal of hazardous materials (including fuel, oil and gasoline), landfills and/or open dumps, junkyards and/or automobile graveyards, wastewater treatment or non-sanitary wastewaters, storage of sludge and/or septage, road salt (or other deicing chemicals) stockpile or storage, gasoline stations, motor vehicle repair or body shop, marine repair, car wash, and storage of animal manure or commercial fertilizers.

## **ARTICLE 7. DEFINITIONS**

**Applicant:** The person applying for a building or use permit.

**Basement:** Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

**Building Height:** The vertical distance between the mean original grade and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

**Boarding House:** A rooming house or lodging where meals are served for the guests.

**Campground:** Any area or tract of land to accommodate two (2) or more parties in temporary living quarters. Such accommodations are deemed to include space for parking automobiles, automobile trailers, recreational vehicles, erection of tents and other shelters, tables and cooking facilities.

**Code Enforcement Officer:** Individual appointed by the Municipal Officials to enforce the Ordinances of the town and to issue permits.

**Commercial Use:** The use of lands, buildings or structures, other than "home occupation", the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental or residential buildings and/or dwelling units.

**Community Facility:** Facility to be used by numerous residents exemplified by auditorium, library and park.

**Convalescent Home:** A boarding house where a majority of the guests of which are convalescent, semi-invalid or invalid.

**Cottage:** Building designed to be used as a residence during less than eight months of the year but not being a dwelling as defined in this ordinance

**Dimensional Requirements:** Numerical standards relating to spatial relationships including, but not limited to, setback, lot area, road frontage, shore frontage and height.

**Driveway:** A vehicular access-way less than five hundred (500) feet in length serving two lots or less.

**Dwelling:** A permanent building with a minimum coverage of 650 square feet, equipped with a heating system designed to uphold a temperature of 68° F. through the winter, with running water and sewer, with a water closet and bath or shower and meeting with the standards of the latest issue of National Building Code, recommended by the municipal building code.

**Family:** One or more persons occupying a premise and living as a single housekeeping unit.

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

**Ground Coverage:** Area of ground of the heated part of a dwelling or the entire building for other use.

**Home Occupation:** An occupation or profession which is customarily conducted on or in a residential structure or property and which is: 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

**Hotel:** A building with numerous rooms for rent to permanent or transient guests which to reach their rooms they must pass through an attended lobby. A hotel differs from a Lodging House in its character which is not residential in that it usually is a larger building expressly built for its purpose.

**Industrial:** The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**Lodging House:** A rooming house used primarily for transient guests, usually staying for a few days.

**Lot:** A continuous parcel of land with frontage on street approved by the Planning Board occupied by one principal use with customary incidental accessory structures or by a group development in one ownership.

**Lot Area:** The area of land enclosed within the boundary lines of a lot.

**Marina:** A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

**Mobile Home and Mobile Home Park:** Refer to Mobile Home Park Ordinance of Howland.

**Motel:** A hotel where the guests can reach the rooms from the parking lot without passing through an attended lobby.

**Nursing Home:** See Convalescent Home

**Person:** An individual, corporation, government agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

**Principal Structure:** A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

**Principal Use:** Any facility other than one which is wholly incidental or accessory to another use on the same premises.

**Public Facility:** Any facility, including but not limited to, buildings, property, recreation areas, and roads which are owned, leased or otherwise operated or funded by a governmental body or public entity.

**Recreational Facility:** A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat-launching facilities.



**Recreational Vehicle:** A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

**Rooming House:** A building of residential character usually in the neighborhood, usually a converted large dwelling, several rooms of which are rented to guests usually staying more than two weeks.

**Setback:** The distance between lot lines or proposed street or public property line on the official map or zone boundary and the nearest part of any principal or accessory structure more than three feet high, except that a sign may be placed in the front setback area. Setback on front means on one or several street sides.

**Sign:** Structure, device, letter, word, model, banner, pennant, insignia, flag or other representation which is used in the nature of an advertisement, announcement or direction of larger than 2' X 2'. The area of a sign is the area on one side of the smallest, simple geometric shape exemplified by a square, circle, rectangle, etc., compassing all lettering, wording, design, symbols, together with the background which is not a normal part with a normal color of a building. An inconspicuous support exemplified by a slim post is not part of the sign.

**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 a fixed location on or in the ground, exclusive of fences. The term includes structures temporary or permanently located, such as docks and satellite dishes.

**Trailer Park:** Two or more trailers placed on a lot shall constitute a trailer park and must abide by the regulations of the Howland Trailer Park Ordinance.

**Waste:** Anything not to be normally used within a reasonable period of time. A car not registered for ½ year is regarded as waste unless held up for sale within an establishment for such purposes. Junk is regarded as waste unless kept in a junkyard conforming with this Ordinance.

examine all applications and within thirty (30) days grant a Building and/or Use Permit to those acceptable according to the ordinance. Failure of the Code Enforcement Officer to issue written notice of his/her decision directed to the applicant within thirty (30) days from the date of filing of the application constitutes refusal of the permit. The Code Enforcement Officer shall keep records of his/her proceedings and such records shall be public. He/she shall institute or cause to be instituted in the name of the town any or all actions that might be appropriate for the enforcement of this Ordinance.

### **3.5. Violations**

- A. Violations of this ordinance shall be punished by a fine.
- B. Each day a violation is permitted to exist after notification by the Code Enforcement Officer shall constitute a separate violation.

### **3.6 Board of Appeals**

- A. There shall be a Board of Appeals in accordance with the provisions of Section 61, Chapter 90A, of the MRSA, 1954, as amended.
- B. An appeal in writing may be taken from any decision of the Code Enforcement Officer to the Board of Appeals by the applicant for the permit or by any other person.
- C. On an appeal in writing to the Board of Appeals, the Board shall affirm, modify or set aside the decision appealed according to the terms of the pertinent ordinance. The Board may grant a variance from the terms of an ordinance where necessary to avoid undue hardship, provided there is no substantial departure from the intent of the ordinance. It may permit an exception to an ordinance only when the terms of the exception have been specifically set forth by the municipality. The failure of the Board to issue a written notice of its decision, directed to the applicant, within thirty (30) days from the date of filing of the appeal constitutes a denial of the appeal.

### **3.7 Variances**

- A. When a variance is requested, notification in writing, sent by certified return receipt, must be sent to all owner(s) of abutting property that a variance from the Zoning Ordinance has been requested. The notification must state the date and time of the hearing and a brief description of the variance requested. Cost of the notification will be borne by the applicant for the variance.

B. For the granting of a variance or exception, the following rules shall apply:

- 1) A public hearing shall be held, advertised in advance, in a local newspaper and in the other places usually used for public notices, at the expense of the applicant.
- 2) A variance may be granted only in cases of undue hardship or confiscation caused by this ordinance.
- 3) The Board of Appeals may prescribe reasonable additional requirements as conditions for a variance in order to give reasonable protection for the surroundings and the community.
- 4) An exception may be granted only if the Zoning Board of Appeals has:
  - a) Established that the proposed modification is desirable for the development of the town;
  - b) That it will not depart from the intent of the Comprehensive Plan and this ordinance;
  - c) That the proposed location is not undesirable for the proposed use;
  - d) That it will not abuse the character of the neighborhood; and
  - e) That it will not create unreasonable demands for municipal services.
- 5) The Board of Appeals may prescribe reasonable additional requirements as conditions for an exception, if necessary, to meet the above requirements.
- 6) The Board of Appeals shall keep records of its proceedings and such records shall be public.

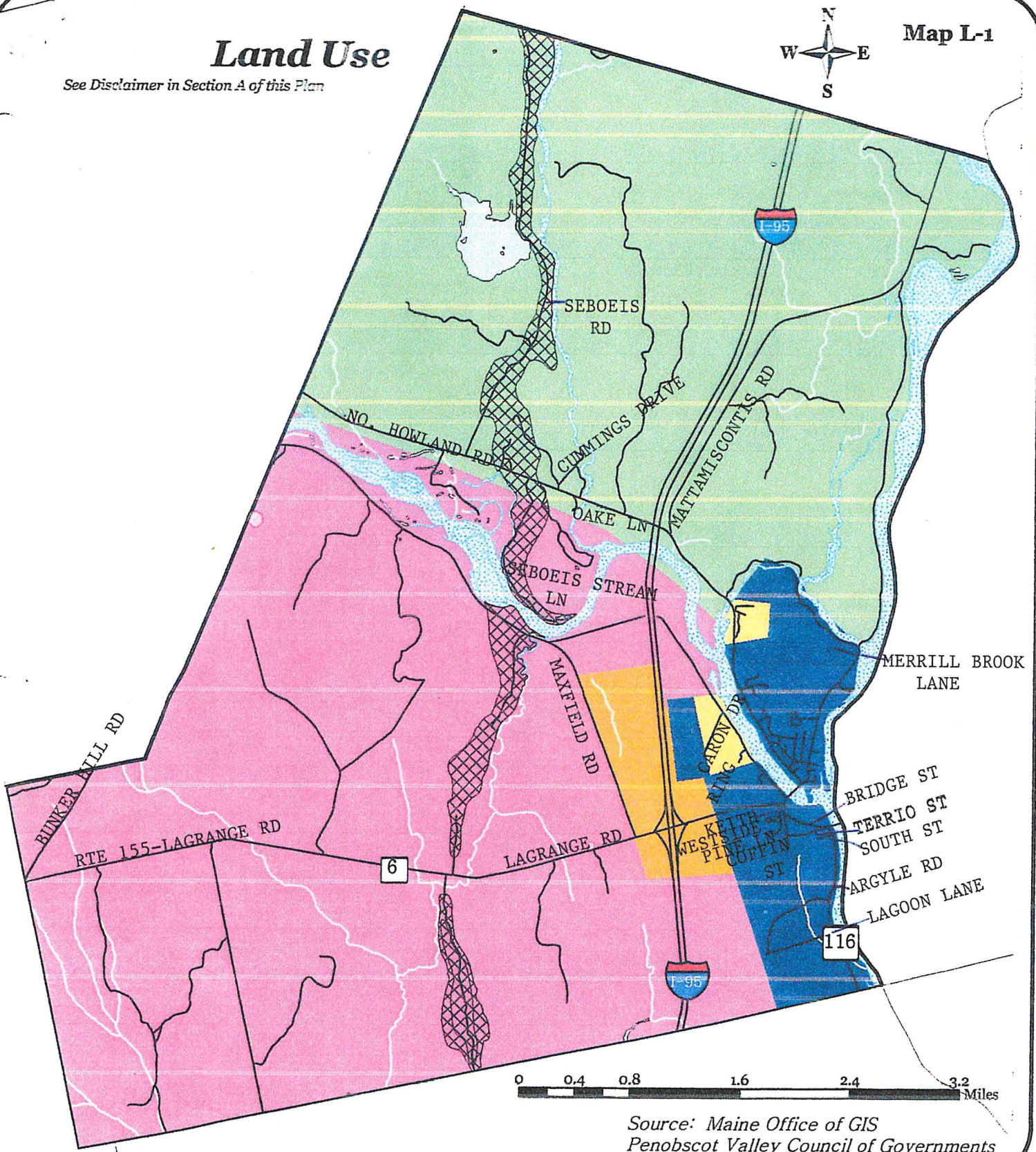
### **3.8 Appeal to Superior Court**

- A. An appeal may be taken from any decision of the Board of Appeals to the Superior Court.

# Land Use

See Disclaimer in Section A of this Plan

Map L-1



Source: Maine Office of GIS  
Penobscot Valley Council of Governments

## LEGEND

- Proposed Districts
- Industrial
  - Recreation and Open Space
  - Mixed Use
  - Rural Residential
  - Residential A
  - Aquifer Protection

# TOWN OF HOWLAND

Penobscot Valley Council of Governments  
 Eastern Maine Development Corporation  
 One Cumberland Place, Suite 300  
 Bangor, Maine 04401  
 1.800.339.6389  
[www.emdc.org/pvcog.htm](http://www.emdc.org/pvcog.htm)