

**WARRANT ARTICLE XIII** - Shall an ordinance dated May 7, 2024 and entitled “Amendments the Land Use Zoning Ordinance for Marine and Freshwater structures” be enacted as set forth below?

***Explanation: This Article amends Section 6C.7 of the LUZO to eliminate conflicting language regarding what structures require a Conditional Use Permit.***

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### SECTION 3 LAND USE DISTRICTS

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#### 3.4 Permitted, Conditional, and Excluded Uses by District:

All land use activities, as indicated in the following table, shall conform with all of the applicable land use standards in Sections 6.A., 6.B., and 6.C. The district designation for a particular site shall be determined from the Official Land Use Zoning map.

- P** Use allowed without a permit (but the use must comply with all applicable land use standards)
- C** Use allowed with conditional use approval from the Planning Board Use allowed with conditional use approval from the Planning Board, except where the code enforcement officer may authorize minor changes in the placement and size of improvements for an approved conditional use permit
- X** Use is prohibited
- CEO** Use allowed with a permit from the code enforcement officer

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#### Section 3.4 Permitted, Conditional, and Excluded Uses by District

DISTRICTS:			SR 1								
LAND USE:	VR 1	R 1	SR 2	RW 2	VC	SC	C	RP	SP	VR3	
	VR 2	R 2	SR 3	RW 3							
			SR 5								
ESSENTIAL SERVICES											
Permanent Piers, Docks, Wharves, Bridges, and other Structures and Uses Extending over or below the Normal High-Water line or within a wetland	X	C	C	C	X	C	C	X	X	C <sup>12</sup>	

(refer to Section 6C.7) <sup>13</sup>										
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Note: Some footnotes have been deleted. – namely 1,2,3 & 5.

<sup>4</sup> Provided that a variance from the setback requirement is obtained from the Board of Appeals; otherwise, the setback is 75 feet. Any Excavation or Filling must be limited to that necessary for the construction of approved structures.

<sup>6</sup> See further restrictions in Section 6C.5.2

<sup>7</sup> Only as provided in Section 6C.9.3

<sup>8</sup> Single family residential structures may be allowed by special exception only according to the provisions of Section 7.5.3, Special Exceptions. Two-family residential structures are prohibited.

<sup>9</sup> Permit not required but must file a written “notice of intent to construct” with CEO.

<sup>10</sup> Timber Harvesting is regulated by the Bureau of Forestry in the Department of Agriculture, Conservation and Forestry.

<sup>11</sup> Mobile Food Vendors are allowed to operate without a permit or license for limited time events (up to three consecutive days and maximum of two events per year on the same property). However, written property owner authorization is required to be posted for any Mobile Food Vendor activity on private property, regardless of whether or not a permit is required.

<sup>12</sup> Uses only allowed if associated with hotel/motel use

<sup>13</sup> Marine structures that are less than 10 feet in length and which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months only require a permit from the Code Enforcement Officer (state and federal permits may still be needed).

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## SHORELAND ZONING STANDARDS

**Land Use Standards.** All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

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### **6C.7 Marine and Freshwater Structure Performance Standards Piers, Docks, Wharves, Bridges, and other Structures and Uses Extending over or below the Normal High-Water line or within a wetland**

**Requirement.** All marine structures shall require Conditional Use Approval of the Planning Board and compliance with the performance standards below before Conditional Use Approval will be granted. The Planning Board or Code

Enforcement Office may require the submission of an environmental impact assessment on natural areas and may require mitigation measures such as 1.) Changes in the design and/or location of the marine structure, and/or 2.) Changes in the magnitude of activities on the marine structure. Bridges and other crossings not involving earthwork, do not require a permit.

**The performance standards** are as follows:

Commercial and public marine structures are exempt from requirements 13 through 16.

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8. **Height limit.** Except in the Shoreland Commercial District, structures built on, over or abutting a pier, dock, wharf, or other structure extending below the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock, or other structure.

~~9. **Conditional use permit required.** Piers, docks, floats, wharves, breakwaters, causeways, marinas, bridges more than 20 feet in length, and permanent uses projecting into water bodies from normal high water line shall require Conditional Use Approval of the Planning Board. The Planning Board may issue guidelines to ensure compliance with state laws.~~

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## **SECTION 8 DEFINITIONS.**

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**MARINE STRUCTURE:** Piers, docks, floats, wharves, bridges over ten (10) feet in length, and other marine structures extending over or below the normal high-water line of a water body or within a wetland.