

TOWN OF PARIS

***LAND
MANAGEMENT
ORDINANCE***

***AS PREPARED BY THE
LAND USE ADVISORY COMMITTEE***

***Town of Paris
Land Management Ordinance
Land Use Advisory Committee Draft
February 2013***

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**TOWN OF PARIS
LAND MANAGEMENT ORDINANCE**

ARTICLE 1- Title

This Ordinance shall be known and cited as the Town of Paris Land Management Ordinance and will be referred to as this Ordinance.

ARTICLE 2- Purpose

To implement the provisions of the Town's Comprehensive Plan; to conserve the natural resources; to provide orderly growth and appropriate land uses; and to promote the health, safety and welfare of the community.

ARTICLE 3- Authority

This Ordinance is adopted pursuant to the provisions of Article VIII-A of the Maine Constitution, provisions of Title 30-A M.R.S.A. Article 3001, the State's Growth Management Law, Title 30-A M.R.S.A. Article 4312, et seq. and Title 30-A M.R.S.A. 4352.

ARTICLE 4- Applicability

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Paris exclusive of the land and water areas subject to the Shoreland Zoning Ordinance for the Municipality of Paris, Maine.

***ARTICLE 5- Conflicts with Other Ordinances**

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

ARTICLE 6- Validity and Severability

Should any Article or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other Article or provision of the Ordinance.

ARTICLE 7- Effective Date and Repeal of Existing Ordinances

A. The effective date of this Ordinance shall be the date of the adoption by the legislative body.

- B. Adoption of this Ordinance shall repeal on the effective date of this Ordinance any and all previously enacted Backlot Ordinances and Sec.5 of the Town of Paris Building. This shall not prevent enforcement of repealed ordinances with respect to the time periods in which they were effective.

ARTICLE 8- Amendments

8.1 Initiation of Amendments

- A. An amendment to this Ordinance may be initiated by:
 - 1. The Planning Board provided a majority of the Board has so voted;
 - 2. Request of the municipal officers; or
 - 3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in the town.
- B. The Planning Board shall hold a public hearing on the proposed amendment. Notification of the public hearing shall comply with Title 30-A M.R.S.A. Section 4352.9 and 4352.10.
- C. An amendment of this Ordinance may be adopted by a majority vote of the Town Meeting.

ARTICLE 9- Nonconformance

9.1 Purpose

It is the intent of these provisions to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this Article.

9.2 General Requirements

- A. Transfer of Ownership

Nonconforming structures, lots and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure, lot and uses subject to the provisions of this Ordinance.

- B. Rebuilding

If a nonconforming structure is damaged or destroyed by fire, other natural causes, or removed it may be rebuilt within one (1) year from date of damage, destruction or removal, except as may be required by the Town of Paris Floodplain Management Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the nonconforming structure is not rebuilt with one year it shall comply with the provisions of this Ordinance.

9.3 Nonconforming Structures

A. Expansions

A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure if such addition or expansion does not increase the nonconformity of the structure.

B. Foundations

Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the completed foundation does not extend beyond the existing dimensions of the structure, and that the foundation does not cause the structure to exceed the maximum structure height as contained in Article 10.7.

9.4 Nonconforming Uses

A. Expansion

Expansion of nonconforming uses may be allowed provided the Planning Board after reviewing written application determines that no greater adverse impacts would occur as the result of the expansion as defined below.

1. The expansion of a nonconforming use will be in accordance with any applicable Standards set forth in Articles 10 and 11 of this Ordinance and the Site Plan Review Ordinance for the Town of Paris.
2. The expansion of the nonconforming use will not encroach further on the required setbacks.
3. The expansion use will not create a traffic hazard nor increase an existing traffic hazard.
4. That the amount of parking required to meet the minimum requirements for the proposed use exists on the site or will be otherwise provided in accordance with this Ordinance and the Site Plan Review Ordinance for the Town of Paris.
5. The amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed expansion shall be equal to or less than the present use.
6. The rate of surface water run-off from the site will not be increased.
7. The hours of operation of the proposed expansion will be compatible with the existing, surrounding land uses.
8. The proposed use will not increase the adverse impact on surrounding properties.

B. Change of Nonconforming Use

An existing legal nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made in according to the criteria in Article 9.4. 1-8, above.

C. Resumption Prohibited

A lot, building or structure in or on which a nonconforming use is abandoned for a period exceeding two years, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

9.5 Nonconforming Lots

A. Nonconforming Lots

A vacant, nonconforming lot of record recorded on or before the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirement not involving lot size or frontage shall be obtained by action of the Board of Appeals.

B. Contiguous Built Lots

If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and, if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that they are served by public sewer or they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that they are served by public sewer or they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

C. Contiguous Lots - Vacant or Partially Built

If two or more contiguous lots or parcels are in single or joint ownership of record and recorded in the Oxford County Registry of Deeds on or before the effective date of this

Ordinance, and if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots may be built upon, conveyed separately, or conveyed together provided that they are served by public sewer or they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

ARTICLE 10- Land Use Districts

10.1 Purpose

The purposes of these district requirements are:

- A. To implement the Comprehensive Plan policies;
- B. To provide for development and redevelopment in locations where suitable public infrastructure is available;
- C. To provide for separation of land uses that might otherwise be incompatible;
- D. To protect the natural resources of the community from degradation; and
- E. To provide for an orderly future growth pattern of the community.

10.2 Location of Districts

- A. Said districts are located and bounded as shown on the Official Land Management District Map entitled "Land Management District Map of Paris, Maine" dated and on file at the Town Office and as described in Article 10.5. The Official Map shall be signed by the Town Clerk and the Chairperson of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment.
- B. The Paris Hill Historic District is the area defined by the National Park Service as follows:

Northwest Corner:	Latitude	44° 15' 51"
	Longitude	70° 30' 29"
Northeast Corner:	Latitude	44° 16' 07"
	Longitude	70° 29' 49"
Southeast Corner:	Latitude	44° 15' 38"
	Longitude	70° 29' 27"
Southwest Corner:	Latitude	44° 15' 22"
	Longitude	70° 30' 07"

Structures bisected by the Hill Historic District shall be considered to be totally within that District.

10.3 Rules Governing District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Land Management District Map, the following rules shall apply.

- A. Boundaries indicated as approximately following the center lines of streets, highways, railroad right-of-way, rivers or streams shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
- D. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
- E. Boundaries indicated as parallel to or extensions of features indicated in Articles 10.3. A-D. above shall be so construed. Distances not specifically indicated on the Official Land Management District Map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Management District Map, or other circumstances not covered by Articles 10.2 A.-E. above, the Board of Appeals shall interpret the district boundaries.

10.4 Division of Lots by District Boundaries

Where a Land Management District boundary line divides a lot or parcel of land in the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the use regulations applicable to the one portion of the lot may be extended into the other portion of the lot by no more than fifty (50) feet provided that the other portion is not regulated by the Town of Paris Shoreland Zoning Ordinance.

10.5 Specific District Purposes

The following describes the Land Use Districts included in this Ordinance and shown on the Land Management District Map of Paris, Maine.

- A. General Growth District

The purpose of this District is to provide locations for residential development including single-family residential, multi-family and mobile home parks, nonresidential land use such as commercial and manufacturing under specified conditions and other land uses suited to this area. The General Growth District includes those portions of

Paris that are served by public infrastructure that are generally in a condition to accept new growth and areas where new growth can be served by existing municipal services.

B. South Paris Main Street District

The purpose of this district is to enhance the appeal of Main Street through South Paris by allowing flexible lot sizes and setbacks and guiding the design of redevelopment through standards in the Site Plan Review Ordinance.

C. Rural District

The purpose of this district is to maintain its rural characteristics while allowing low density residential development and other land uses that require a rural location.

D. Paris Hill Historic District

The purpose of this district is to manage new development and redevelopment in such a manner as to maintain current land use characteristics.

E. Route 26 Corridor District

The purpose of this district is to provide for locations for business expansion, new businesses and an attractive gateway to Paris.

10.6 Table of Land Uses

All land use activities, as indicated in Table 1, Table of Land Uses, shall conform to all of the applicable land use standards in Article 11. The district designation for a particular site shall be determined from the Official Land Use District Map.

Key to Table:

Yes	Allowed (no permit required by this Ordinance but must comply with all applicable performance standards contained in Article 11 and other applicable Town of Paris Ordinances.)
Yes (1)	Allowed with a permit from the Code Enforcement Officer in compliance with applicable performance standards contained in Article 11 and other applicable Town of Paris Ordinances.)
Yes(2)	Allowed (Requires a Site Plan Review Approval pursuant to the Site Plan Review Ordinance of the Town of Paris, Maine or other review as noted).
Yes(3)	Allowed (Requires a Subdivision approval pursuant to the Subdivision Ordinance of the Town of Paris, Maine or other review as noted).
Yes(5)	Allowed(Must comply with Article 11.1)
Yes(6)	Allowed (Requires approval under the Sign Ordinance for the Town of Paris
No	Not Allowed/Prohibited
No(4)	Not Allowed except for family burying grounds.

Abbreviations:

GG	General Growth District
SPMS	South Paris Main Street District
R	Rural District
PH	Paris Hill Historic District
C	Route 26 Corridor District

**Table 1
Table of Land Uses**

LAND USES	DISTRICTS				
	GG	R	PH	C	SPMS
Single family dwelling	Yes	Yes	Yes	Yes	Yes
Mobile Home	Yes	Yes	No	Yes	No
Duplex	Yes	Yes	No	Yes	Yes
Multi-family dwelling structure	Yes(3)	No	No	Yes(3)	Yes(3)
Mobile home park	Yes(3)	No	No	Yes(3)	No
Congregate housing	Yes(2)	No	No	Yes(2)	Yes(2)
Structures & uses accessory to residential uses	Yes	Yes	Yes	Yes	Yes
Home Occupations	Yes	Yes	Yes	Yes	Yes
Agriculture	Yes	Yes	Yes	Yes	Yes
Timber harvesting & timber harvesting related activities	Yes	Yes	Yes	Yes	Yes
Mineral extraction, including sand and gravel extraction	Yes(2)	Yes(2)	No	Yes(2)	No
Cemetery	Yes(2)	Yes(2)	No(4)	Yes(2)	No(4)
Church	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Fire/police stations	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Prisons	No	No	No	No	No
Government facilities/offices	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Playground (public access/no fee)	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Public Skate Board/Rollerblade Park	No	No	No	No	Yes(2)
Public/private schools	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Nursing Home	Yes(2)	No	No	Yes(2)	Yes(2)
Museum/Library	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Hospital	Yes(2)	No	No	Yes(2)	Yes(2)
Public Utility Facility	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Clubs-Private & Semi Public	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Automobile Graveyard/Recycling/Junkyard	No	Yes(2)	No	Yes(2)	No
Gasoline service station	Yes(2)	Yes(2)	No	Yes(2)	Yes(2)
Outdoor Based Sales and Service	Yes (2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Auto repair/Sales	Yes(2)	Yes(2)	No	Yes(2)	Yes(2)

LAND USES	DISTRICTS				
	GG	R	PH	C	SPMS
Hotel/Motel	Yes(2)	Yes(2)	No	Yes(2)	Yes(2)
Bed & Breakfast	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Indoor Theater	Yes(2)	Yes(2)	No	Yes(2)	Yes(2)
Kennel/Veterinary Hospital	Yes(2)	Yes(2)	No	Yes(2)	Yes(2)
Neighborhood Convenience Store	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Offices: Business, Professional, Medical	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Restaurant	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Retail Business	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Service Business	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Shopping Center	Yes(2)	Yes(2)	No	Yes(2)	Yes(2)
Wholesale Business	Yes(2)	Yes(2)	No	Yes(2)	Yes(2)
Commercial Recreation	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Amusement Park	No	No	No	Yes(2)	No
Ski Resort	Yes(2)	Yes(2)	Yes(2)	Yes(2)	Yes(2)
Flea Market/Commercial	Yes(2)	Yes(2)	No	Yes(2)	Yes(2)
Flea Market/ Short Term	Yes(1)	Yes(1)	Yes(1)	Yes(1)	Yes(1)
Sexually-Oriented Business	No	No	No	Yes(2& 5)	No
Signs	Yes(6)	Yes(6)	Yes(6)	Yes(6)	Yes(6)
Heavy Manufacturing	Yes(2)	No	No	Yes(2)	No
Light Manufacturing	Yes(2)	Yes(2)	No	Yes(2)	Yes(2)
Demolition/Waste Disposal	No	No	No	No	No
Sawmill	Yes(2)	Yes(2)	No	Yes(2)	No
Commercial Communication Tower	Yes(2)	Yes(2)	No	Yes(2)	Yes(2)
Commercial Wind Energy Facility	No	No	No	Yes	No
Non Residential Accessory Structures/Uses	Yes	Yes	Yes	Yes	Yes
Uses similar to allowed uses	Yes	Yes	Yes	Yes	Yes
Uses similar to prohibited uses	No	No	No	No	No

10.7 Dimensional Requirements

Lots in all districts outside those areas regulated by the Shoreland Zoning Ordinance, Town of Paris shall meet or exceed the following minimum requirements (additional area may be required by other provisions of this Ordinance and the Town of Paris Subdivision Ordinance). After the effective date of this Ordinance, no lot shall be created or reduced below the minimum dimensional requirements unless allowed by other provisions of this Ordinance.

SPACE AND BULK STANDARDS

District	Minimum Lot Size/ Density	Minimum Street Frontage	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Impervious Surface Ratio ³	Maximum Structure Height ⁴
General Growth	10,000 sq. ft. (with public water and sewer)	100 ft.	25ft. ^{1&2}	10 ft.	20 ft.	75%	45ft.
	20,000 sq. ft. (without public water and sewer)	100ft.					
South Paris Main Street	10,000 sq. ft. (with public water and sewer)	100 ft.	25ft. ^{1&2}	10 ft.	10ft.	90%	45ft.
	20,000 sq. ft. (without public water and sewer)	100ft.					
Rural	80,000 sq. ft.	150ft.	50 ft. ¹	25 ft.	25 ft.	40%	45 ft.
Paris Hill Historic	20,000sq. ft.	100 ft.	25 ft. ¹	20 ft.	20 ft.	60%	45 ft.
Route 26 Corridor	10,000 sq. ft. (with public water and sewer)	100 ft.	25ft. ¹	20 ft.	20 ft.	75%	45 ft.
	20,000 sq. ft. (without public water & sewer)	150 ft.	25ft. ¹			75%.	45 ft.

NOTES:

- ¹ Measured from the edge of the travel way.
- ² In cases where there is a uniform and consistent street wall along a street and the front setback requirement for the District is greater than the typical setback as determined by the Code Enforcement Officer, the front setbacks may be reduced to the prevailing setback by the Code Enforcement Officer. When such setback reduction occurs, the front setback for the proposed structure must be the prevailing setback.
- ³ The total area of all structures, parking lots paved and unpaved and other non-vegetated surfaces.
- ⁴ Does not apply to non-habitable structures.

A. Required Frontage

1. All lots hereinafter created shall possess a minimum frontage on a public road maintained by the State of Maine or the Town of Paris, or a private road approved as part of a subdivision in accordance with the Subdivision Ordinance of the Town of Paris, Maine, or a private way, or meeting the requirements of Article 11.4, Back Lots.

2. Corner lots shall have the minimum road frontage on at least one (1) street.
3. New building lots located at the cul-de-sacs along curves in a street where the radius of the curve at the front lot line is less than ninety (90) feet, may be designed so that they have a minimum of thirty-five (35) feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district.

B. Front Setback

The minimum front setback along a public street, privately-owned street or common driveway shall be measured from the edge of the travel way, according to the above table.

C. Multiple Structures

1. If more than one principal structure is constructed on a single parcel of land, the "minimum lot area" requirement shall apply to each structure, and each structure shall meet the front, side and rear setback and road frontage requirements.
2. Each structure shall be so situated and constructed to be capable of being sold or transferred separately with a conforming lot. In the General Growth, South Paris Main Street and Route 26 Districts each principal structure does not need be so situated and constructed to be capable of being sold or transferred separately with a conforming lot. Provided that the required lot size, and frontages for each principal structure, required setbacks, and maximum impervious surface ratio as set forth in Article 10.7, Space and Bulk Standards, are met.

D. Parking Areas

Parking areas shall not be located within any required front setback area but may be located within ten feet of the side or rear lot lines. (This shall not apply to personally owned vehicles on residential lots.)

E. Setback Measurements

All setbacks shall be measured from the property line to the nearest part of the structure except as provided for above.

F. Corner Lots

The front setback requirement shall be observed along all streets abutting the lot.

G. Corner Lot Obstructions

All corner lots shall be kept free from visual obstruction for a distance of twenty (25) feet measured along the street lines.

H. Heights Limits

Height limits of forty-five (45) feet may be exceeded for structures not intended for human habitation upon review and approval of the Fire Chief.

I. Each lot must be able to completely contain within its boundaries an area as would be defined by a circle with a minimum diameter equal to the required minimum road frontage as required in the District.

J. Lots for duplexes shall require a minimum of 150 percent of the lot size and street frontage requirements for a single-family home in the District.

ARTICLE 11- Performance Standards

11.1 Sexually-Oriented Businesses

A. Purpose

The purpose of these standards is to regulate Sexually-Oriented Businesses and related activities to promote the health, safety, and general welfare of the citizens of the municipality, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment establishments within the town. These standards have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of these standards to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these standards to condone or legitimize the distribution of obscene materials.

B. Location Restrictions

Sexually-Oriented Businesses are a permitted use in the Route 26 Corridor District with Site Plan Review approval of the Planning Board. The following location restrictions shall apply.

1. Any premises used for or in connection with the operation of a Sexually-Oriented Business may not be sited within 1,000 feet of a side or rear property line.

For the purpose of this standard, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment establishment is conducted, to the nearest property line.

2. It shall be unlawful for any person to cause or permit the operation, establishment, substantial enlargement, or transfer of ownership or control of a Sexually-Oriented Business within one thousand (1,000) feet of another Sexually-Oriented Business.

3. A Sexually-Oriented Business may not be operated in the same building, structure, or portion thereof, containing another Sexually-Oriented Business.
4. For purposes of subsection (2) of this section, the distance between any Sexually-Oriented Business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

C. Non-Conforming Uses; Amortization

1. Any business lawfully operating on the effective date of this ordinance that is in violation of the locational or structural configuration requirements of this standard shall be deemed a nonconforming use. The non-conforming use will be permitted to continue for a period not to exceed five years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more adult entertainment establishments are within 1,000 feet of one another and otherwise in a permissible location, the Sexually-Oriented Business that was first established and continually operated at a particular location is the conforming use and the later-established business(es) is non-conforming.
2. A Sexually-Oriented Business lawfully operating as a conforming use is not rendered a non-conforming use by the location of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed child care facility, public park, or residential use within 1,000 feet of the Sexually-Oriented Business, provided the rights of the adult entertainment establishment have vested prior to the location of one of the uses or structures listed in this subsection. Vesting shall have occurred if the owner/applicant for the Sexually-Oriented Business:
 - a. exercised due diligence in attempting to comply with the law;
 - b. demonstrated good faith throughout the proceedings;
 - c. expended substantial unrecoverable funds in reliance on the planning board's approval;
 - d. the period during which an appeal could have been taken from the approval of the application has expired; and
 - e. there is insufficient evidence to prove that individual property rights or the public health, safety or welfare would be adversely affected by the project as approved.

D. Additional Regulations for Adult Motels

1. Evidence that a sleeping room in a hotel, motel, or a similar commercial enterprise has been rented and vacated two or more times in a period of time that

is less than ten (10) hours creates a rebuttable presumption that the enterprise is an adult motel as that term is defined in this ordinance.

2. It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial enterprise that does not have an adult entertainment establishment license, rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he/she rents or subrents the same sleeping room again.
3. For purposes of subsection (2) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

E. Additional Regulations for Escort Agencies

1. An escort agency shall not employ any person under the age of 18 years.
2. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

F. Additional Regulations for Nude Model Studios

1. A nude model studio shall not employ any person under the age of 18 years.
2. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

G. Regulations Pertaining to Exhibition of Sexually Explicit Films and Videos

1. A person who operates or causes to be operated an adult entertainment establishment, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction, that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - a. A manager's station may not exceed thirty-two (32) square feet of floor area.
 - b. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - c. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any patron is permitted access for any purpose, including video viewing booths, and excluding only restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall

be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

- d. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (3) of this section remains unobstructed at all times. No doors, walls, partitions, curtains, merchandise, display racks, or other object(s) shall obstruct from view of the manager's station any portion of the premises to which patrons have access.
- e. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candle as measured at the floor level.
- f. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- g. No viewing room or booth may be occupied by more than one person at any time.
- h. No opening of any kind shall exist between viewing rooms or booths.
- i. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no more than one person at a time occupies a viewing booths or rooms, and to ensure that no person attempts to make an opening of any kind between the viewing booths or rooms.
- j. The operator of the adult entertainment establishment shall, each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.
- k. The operator of the adult entertainment establishment shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
- l. The operator of the adult entertainment establishment shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48") inches of the floor.

H. Exterior Portions of Sexually-Oriented Businesses

1. It shall be unlawful for an owner or operator of a Sexually-Oriented Business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
2. It shall be unlawful for the owner or operator of a Sexually-Oriented Business to allow the exterior portion of the adult entertainment establishment to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this standard.
3. It shall be unlawful for the owner or operator of a Sexually-Oriented Business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a Sexually-Oriented Business if the following conditions are met:
 - a. The establishment is a part of a commercial multi-unit center; and
 - b. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
 - c. Nothing in this section shall be construed to require the painting of an otherwise unpainted exterior portion of a Sexually-Oriented Business.

I. Signage

Notwithstanding any other town ordinance, code, or regulation to the contrary, signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

J. Persons Younger Than Eighteen Prohibited From Entry; Attendant Required

1. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a Sexually-Oriented Business at any time the Sexually-Oriented Business is open for business.
2. It shall be the duty of the operator of each Sexually-Oriented Business to ensure that an attendant is stationed at each public entrance to the Sexually-Oriented Business at all times during such Sexually-Oriented Business regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the Sexually-Oriented Business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:
 - a. a valid operator's, commercial operator's, or chauffeur's driver's license; or

- b. a valid personal identification certificate issued by the State of Maine reflecting that such person is eighteen (18) years of age or older.

K. Hours of Operation

No Sexually-Oriented Business, except for an adult motel, may remain open at any time between the hours of 12:00 P.M. and 6:00 A.M

L. Exemptions

- 1. It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated:
 - a. by a public school, licensed by the State of Maine, a college, junior college, or university supported entirely or partly by taxation;
 - b. by a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
- 2. Notwithstanding any other provision in this standard, movies rated G, PG, PG-13, or R, by the Motion Picture Association of America (MPAA), or live theatrical performances with serious artistic, social, or political value, that depict or describe specified anatomical areas or specified sexual activities, are expressly exempted from regulation under this standard.

11.2 Off-Street Parking for Residential Uses

Off-street parking spaces for new residential uses established after the effective date of this Ordinance shall be provided to conform to the number required in the following schedule.
[07.25.12]

Residential one bedroom-	2 spaces per dwelling unit
Residential two or more bedrooms-	2 spaces per dwelling unit

11.3 Accessory Apartments

A. Purpose

The purpose of these standards is to provide less expensive rental units; make housing units available to lower income households who might otherwise have difficulty finding housing in Paris and to protect property values and traditional residential characteristics.

B. General Requirements

The conversion of a single family dwelling legally existing on the effective date of this Ordinance and located on lots which otherwise would not meet the dimensional

requirements for a duplex may be converted to a two unit structure with a permit issued by the Code Enforcement Officer provided that the following are met:

1. Such conversion shall not create more than two (2) dwelling units in any structure including the original dwelling unit.
2. The additional dwelling unit shall be complete, separate house-keeping unit that is separated from the original unit.
3. The additional dwelling unit shall be designed so that the appearance of the structure remains that of a single-family dwelling, with the exception of emergency egress, if so required.
4. The design and size of the additional dwelling units conform to all applicable standards in the Town of Paris.
5. Adequate off-street parking shall be provided that meet the standards of Article 11.2.
6. If not connected to public sewer subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.

11.4 Backlots

A. Purpose

The purpose of these standards are to protect the public health, safety and general welfare of the residents of Paris by providing for the improvements of backlots with acceptable right-of-way's, and coordinating road frontage and access requirements with other applicable Town Ordinances. Minimum lot sizes are provided to ensure that connection is not made to public sewer and water utilities, lot sizes are at least large enough to allow sufficient area for private, individual septic systems.

B. Administration

The Code Enforcement Officer shall administer these standards.

C. Backlot Development Standards

Backlots may be built upon by a single-family home although they lack frontage on a public road or private way, or public easement, or privately owned road, or if the lots' frontage is less than required in Section 10.7, provided that the residential development of the lot is accessible from a public right-of-way only by its frontage or by a privately owned road or legally enforceable, written or recordable right-of-way. It may be used for one single family dwelling if the following conditions are met.

1. A 30 foot frontage, minimum, shall serve only one backlot. The traveled portion of the roadway or driveway shall be at least 12 feet wide and shall have a reasonable depth and quality of gravel covering as determined by the Code

Enforcement Officer. There shall be a turn-around area adequate for the turning of emergency vehicles.

2. A legal description of the privately owned road, right-of-way, or frontage by metes and bounds shall be attached to any building application for the construction of the single-family dwelling permitted on the back lot, together with the privately owned road, right-of-way, or frontage deed as recorded. The privately owned road right-of-way, or frontage deed as described in Section 11.3.C.1 must be recorded in the Registry of Deeds (a) at either the time the backlot is first deeded out or created as a separate parcel, or (b) at the time the any building permit is applied for; and
3. Creation of the required privately owned road, right of way or frontage to serve the backlot shall not create a nonconforming front lot by reducing such lots road frontage or area below the minimum required by Section 10.7, or, if the front lot is already nonconforming, reduce its road frontage at all. Where the privately owned road or right-of-way is conveyed by recorded easement or irrevocable license, or some recorded grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
4. Not more than one backlot shall be created under this Section from any parcel of land which exists under any recorded deed on Date . Any application under this section shall provide copies of present ownership deed and all pervious deeds in the Applicant's chain of title for the five years immediately prior to the application under this Section.
5. Each single family dwelling on a back lot shall be located within an area defined by a circle with a minimum diameter equal to the required road frontage in the District.

D. Minimum Lot Size

Any backlot developed under this Section shall have a minimum lot size as required in the District it is located in.

1. The application for a Building Permit under this Section shall require a statement and certified by the Applicant that the Applicant will or will not hookup and actually connect with water and sewer service from the Paris Utility District.
2. A Building Permit may be issued on the condition or with the requirement that hookup or connection to water and sewer service of the Paris Utility District be made. However, there shall be no right to occupy any dwelling under this Section, until sewer and water hookup is actually made and operational and written certification of such hookup is given to the Code Enforcement Officer by the Paris Utility District for the particular property.
3. In the event the ownership deeds required in Section 11.3.C do not provide adequate information to determine the minimum lot size required under this

Section, the Code Enforcement Officer may determine lot sizes based upon the current municipal tax maps.

E. Nonconforming Backlots of Record

A backlot of record, recorded in accordance with law, which on Date does not meet the minimum lot size, width, or road frontage requirement of this Section, may be built provided that such lot shall be in separate ownership and all other provisions of this Section and other applicable Ordinances of the Town of Paris and State laws and regulation are met.

11.5 Short Term Flea Markets

A. Purpose

The purpose of these standards are to protect the public health, safety and general welfare of the residents of Paris by regulating short term commercial flea markets.

B. General Provisions

1. Permit Required

- a. Any person who holds a short term flea market shall obtain a permit issued by the Code Enforcement Officer.
- b. Applications for a short term flea market shall be on such forms as provided by the Code Enforcement Officer.
- c. The application fee shall be as established by the Board of Selectmen. Where the short term flea market is sponsored or promoted by a recognized civic or charitable organization and where it is deemed that the overall best interest of the Town will be served the Selectmen may waive the permit fee.

C. Performance Standards

The following standards shall be utilized by the Code Enforcement Officer in reviewing applications for a permit. The Code Enforcement Officer shall approve the application if the Code Enforcement Officer finds that the applicant has met each of the following standards.

1. Flea markets shall not operate in a way that would interfere with ingress to or egress from any building, abutting parcel or public place or obstruct adequate access by emergency vehicles.
2. Existing vehicular access and off street parking must be deemed adequate by the Code Enforcement Officer. The Code Enforcement Officer must find that such access and parking does not create congestion, unsafe conditions or limit visibility on the adjacent highway systems.

3. There shall be no new fixed or permanent improvements to the site, but a temporary electrical service shall be permitted that meets all Code requirements.
4. Tables, mobile or moveable vehicles, carts, stands or other items shall be set back at minimum of 20 feet, horizontal distance, from the property line or edge of the sidewalk or, if no sidewalk, from the edge of the pavement of the traveled way adjoining the property.
5. There shall be adequate off street parking. No on street parking shall be permitted.
6. The operations area shall be kept clean and free of litter. At least one trash receptacle shall be provided. All trash shall be disposed of in conformance with State laws and regulations.

ARTICLE 12- Appeals

12.1 Powers and Duties of the Board of Appeals.

The Board of Appeals shall have the following powers:

- A. Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.
- B. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

12.2 Variance Appeals

Variances may be granted only under the following conditions:

- A. Variances may be granted only from dimensional requirements including, but not limited to, lot size, lot width, structure height, percent of lot coverage, and setback requirements.
- B. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- C. The Board shall not grant a variance unless it finds that:

1. The proposed structure or use would meet the provisions of Section 10.7 except for the specific provision which has created the non-conformity and from which relief is sought; and
 2. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- D. Notwithstanding Article 12.2.C.2, above the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
- E. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

12.3 Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any

evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board's proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

12.4 Appeal Procedure

A. Making an Appeal

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Article 12.1.A Section above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
2. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
3. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
4. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

B. Decision by Board of Appeals

1. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
2. The person filing the appeal shall have the burden of proof.
3. The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
4. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. Copies of

written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer and the municipal officers.

12.5 Appeal to Superior Court

Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

12.6 Reconsideration

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

Article 13- Enforcement

13.1 Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

13.2 Code Enforcement Officer

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or 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, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions.

A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

- B. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code

Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

- C. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

13.3 Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

13.4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Section 4452.

Article 14- Administration

14.1. Code Enforcement Officer

This ordinance shall be administered by a Code Enforcement Officer who shall be appointed or reappointed annually by the Municipal Officers. The Code Enforcement Officer shall inspect all buildings being constructed, placed, altered, replaced, relocated, or converted for the purpose of enforcing the provisions of this Ordinance. The Code Enforcement Officer in the performance of his duties shall have the right to enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with this Ordinance.

14.2 Building Permits

A building permit shall be obtained prior to the construction, alterations, relocation, placement, replacement conversion or demolition of any structure or part thereof as required by the Town of Paris Building Code.

Article 15- Definitions

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in shall have the meaning implied by their context or their ordinarily accepted meaning.

Accessory Structure or Use/Non Residential: A use or structure which is incidental and subordinate to the principal nonresidential use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

Accessory Structure or Use/Residential: A use or structure which is incidental and subordinate to the principal residential use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Adult Amusement Store: Means the same as adult bookstore.

Adult Arcade: Any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Bookstore: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- a. books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas;" or
- b. instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities." A principal business purpose exists if materials offered for sale or rental depicting or describing "specified sexual activities" or "specified anatomical areas" occupy 20% or more of total floor space. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas."

Adult Cabaret: A nightclub, bar, restaurant, café, or similar commercial establishment that regularly, commonly, habitually, or consistently features:

- a. persons who appear in a state of nudity or semi-nudity; or
- b. live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

- c. films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- d. persons who engage in "exotic" or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Entertainment Nightclub or Bar: Means the same as adult cabaret.

Adult Motel: A hotel, motel or similar commercial establishment that:

- a. offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
- b. offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or
- c. allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty-four (24) hours.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Novelty Store: Means the same as adult bookstore.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult Video Store: Means the same as adult bookstore.

Agriculture: The production, keeping, or maintenance, for sale, lease, or personal consumption, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management, timber harvesting activities or confined feeding operations.

Agriculture Products, Processing and Storage: Establishments engaged in the manufacturing processing and/or packaging foods, dairy products, and storage of such products.

Amusement Park: A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths, for the conduct for games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

Auto Repair: An establishment primarily engaged in major maintenance and repair of automobiles. Maintenance and repair include but not limited to engine overhauls, transmission repair brake work and the like.

Auto Sales: An establishment primarily engaged in the sale of new or used automobiles together with accessory repair and service facilities which are incidental to the sales operation.

Automobile Body Shop: A business establishment engaged in body, frame or fender straightening and repair or painting and undercoating.

Automobile Graveyard: A place where three or more unregistered, unserviceable, discarded, worn-out or junked automotive vehicles, or bodies, or engines thereof are gathered together and may include the sale of used vehicles.

Automobile Recycling: A premise of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage for the purpose of resale or for the selling the basic materials in the salvage vehicles, provided that eighty (80) percent of the business premises as defined in Title 30-A M.R.S.A. Section 3755, subsection 1, paragraph C, is used for automobile recycling operations.

Backlot: A parcel of land which does not have the required frontage on a public road, public right-of-way, public easement, or privately-owned road or whose frontage on such road, way or easement is less than required by Section 10.7.

Bed and Breakfast: A private home where the general public can stay overnight and are served a breakfast meal.

Building/ 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 boundary walls, fences and flagpoles fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Business and Professional Offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors and the like or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales nor activities utilizing trucks as part of the business operation.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Cemetery: Property used for the interring of the dead but not including family burying grounds.

Church: A building or structure, or group of buildings or structures, designed primarily intended and used for the conduct of religious services including Sunday school.

Club-Private: Any building or rooms, which serves as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Club-Semi Public: Any voluntary association of persons organized for social, religious, benevolent, literary, scientific or political purposes; whose facilities, especially a clubhouse, are open to members and guests only and not the general public; and not engaged in activities customarily carried on by a business or for pecuniary gain. Such term shall include fraternities, sororities and social clubs generally.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: racquet and tennis clubs, health facility, amusement parks, gymnasiums and swimming pools, sporting/recreational facilities and bowling alleys.

Commercial Telecommunications Tower and Related Facilities: Any structure, antenna, tower, or other device which provides to the public for a fee radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services and personal communications service (PCS) or pager services. This definition does not include ham radio towers/antenna, or towers/antenna used to provide communication for a single business.

Commercial Wind Energy Facility: A wind energy facility whose primary purpose is to sell electricity to be supplied to the regional electric power grid. A Commercial Wind Energy Facility includes Generating Facilities and Associated Facilities.

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

Congregate Housing: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the provisions of Maine State Statutes.

Corner Lot: A lot abutting two or more streets at their intersection.

Density: The number of dwelling units per acre of land.

Demolition: The permanent removal, dismantling or destruction of all or any portion of an existing building or structure or any related attachment, appurtenance or accessory to that building.

Demolition/Waste Disposal: A commercial facility including a landfill operated by a private entity which purpose is to dispose of useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, landscape refuse, and demolition debris. The definition does not include-recycling of products.

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

Duplex: A building containing only two dwelling units for occupation by not more than two families.

Elderly Housing: A multi-unit (three or more dwelling units per structure) development where each dwelling unit is occupied by only persons 62 years of age or older (or in the case of couples at least one of the two persons shall be 62 years of age or older) and/or handicapped persons as a residential living environment with other persons 62 years of age or older and/or handicapped persons. Each dwelling unit will be designed to meet the minimum standards for State and Federal elderly accessibility requirements.

Employee: A person who performs any service on the premises of an adult entertainment establishment on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishments Featuring Strippers or Erotic Dancers: Means the same as adult cabaret.

Flea Market/Commercial: A market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures from which space is rented for consideration.

Flea Market/ Short Term: An occasional (not more than two weekends per calendar year) held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures from which space is may or may not rented for consideration. A yard sale shall not be considered a flea market.

Frontage/Street: The horizontal, straight-line distance between the intersections of the side lot lines with the street right-of-way.

Gasoline Service Station: Any place of business at which gasoline, other motor fuels or motor oil are sold to the public for use in a motor vehicle, regardless of any other business on the premises

Government Office: A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

Height of a Structure: The vertical distance between the mean grade within the building footprint and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Home Occupation: An occupation or business activity which results in a product or service and is conducted in whole or in part in the dwelling unit or accessory structure.

Hospital: An institution providing, but not limited to, overnight health services, primarily for inpatients, and medical or surgical care for the sick or injured including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel/Motel: A building or group of buildings containing six or more guest rooms and offering lodging accommodations (which may include such accessory services as food and beverages, meeting rooms, entertainment and recreation) to transient guests. A hotel/motel may provide kitchens or kitchenettes in guestrooms and will not, as a result, be considered a dwelling unit under this Ordinance, as long as the hotel/motel is occupied exclusively by transient guests. A transient guest is a person who occupies the hotel/motel for no more than 186 days in any 365-day period.

Impervious Surface Ratio: A measure of the intensity of land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the lot. For the purpose of this ordinance, impervious surfaces include buildings, structures, paved and gravel surfaces.

Indoor Theater: A structure or part of a structure devoted to the showing of motion pictures.

Junkyard: A visible yard, field or other area used as place for storage and/or sale of the following:

- a. discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
- b. discarded, scrap and junked lumber; and
- c. old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material.

Kennel: An establishment in which more than four dogs or four cats are sold, housed, bred, boarded or trained for a fee.

Live Theatrical Performance: A play, skit, opera, ballet, concert, comedy, or musical drama.

Lot: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

Lot Area: The total horizontal area within the lot lines.

Lot, Corner: A lot at least two contiguous sides abutting upon a street or right-of-way.

Lot, Coverage: The percentage of a lot covered by all buildings, parking areas and impervious services.

Lot Lines: The lines bounding a lot as defined below:

- a. **Front Lot Line:** Interior lots: the line separating the lot from a street or right-of-way. Corner lot or through lot; the line separating the lot from either street or right-of-way.

- b. **Rear Lot Line:** The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line at least dimension.
- c. **Side Lot Line:** Any lot line other than the front lot line or rear lot line.

Lot, Minimum Area: The required lot area within a district for a single use.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Oxford County Registry of Deeds on or before the effective date of this Ordinance.

Manufacturing, Heavy: The use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations and incidental storage, sales and distribution of such products.

Manufacturing, Light: The use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations and incidental storage, sales and distribution of such products that does not exceed 5,000 square feet of buildings and land.

Mineral Extraction: Any operation within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, rock, clay, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site.

Mobile Home: Those manufactured units constructed after June 15, 1976, that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings.

Modular Home: Those manufactured units that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, and applicable rules meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings.

Mobile Home Park: A contiguous parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured housing units.

Multi-family Dwelling Structure: A structure containing three (3) or more residential dwelling units

Neighborhood "Convenience" Stores: A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise including such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items.

Nude Model Studio: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, electronically recorded or similarly depicted by other persons for consideration.

Nudity or a State of Nudity: The appearance of a human anus, pubic area, male genitals, or female genitals with less than a fully opaque covering; or a female breast with less than a fully opaque covering

of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered

Nursing Home: A privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

On-site Video Screening Establishment: The same as adult arcade.

Outdoor Recreation Based Sales and Services: A business establishment engaged in the sale, rental or lease of goods or services related to outdoor recreation.

Person: An individual, proprietorship, partnership, corporation, association, or other legal entity.

Playground: An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

Premises: The real property upon which the adult entertainment establishment is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the adult entertainment establishment, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee.

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

Principal Use: A use other than one which is incidental or accessory to another use on the same premises.

Private Ways: Private ways, also known as public easements. The public general public has the right of unobstructed access by foot or motor vehicle but the municipality does not have an obligation to maintain the way unless the municipality's legislative body authorizes to do so.

Public and Private Schools: Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for a profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with state compulsory education requirements.

Public Road: A road maintained by the Town of Paris and/or State of Maine.

Public Utility Facility: A building or structure used or intended to be used by any public utility, including but not limited to sewage treatment plant, water treatment plant/storage facility, electric generating plant, distribution or transmission substations. Public utility facility shall not include commercial communication towers and related facilities or commercial wind energy facilities.

Reconstructed: The rebuilding, or construction again of a building or part of a building.

Repair: to take necessary action to fix normal damage or storm damage.

Restaurant: A commercial establishment where meals are prepared and served to the public.

Retail Business: A business establishment engaged in the sale, rental or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Saw Mill: A facility where logs or bolt wood are sawn, split, shaved, stripped, chipped or otherwise processed to produce wood products.

Service Business: Establishments engaged in providing services for individuals and businesses such as laundries, beauty shops, barbershop, advertising and equipment leasing.

Setback: The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and railings.

Setback, Front: The minimum horizontal distance measured from the front line of the property or the sideline of the street, whichever is closer to the nearest part of a building, including porches, steps and railings.

Setback, Rear: The minimum horizontal distance measured from the rear or back property line to the nearest part of a building, including porches, steps and railings.

Setback, Side: The minimum horizontal distance measured from the side property line to the nearest part of a building, including porches, steps and railings.

Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- a. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b. activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

A principal business purpose exists if the services offered are intended to generate business income.

Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual film production studio, or sexual encounter center.

Shopping Center: Any concentration of three or more retail stores or service establishments under one ownership or management.

Single Family Dwelling: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include modular homes but not mobile homes and recreational vehicles.

Sign: A billboard, panel, placard, notice, or other advertising or notification device.

Ski Resort: An area developed for snow skiing/boarding, X-country skiing that may include trails and lifts and including ski/board rentals, instruction and eating facilities

Specified Anatomical Areas: Means:

- a. the human male genitals in a discernibly turgid state, even if fully and opaquely covered;
- b. less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

Specified Sexual Activities: Means and includes any of the following:

- a. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;
- b. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. masturbation, actual or simulated; or
- d. excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

Street/Road: A way maintained by the State of Maine or the Town of Paris or privately owned way meeting the standards of the Town of Paris Minimum Road Standards including paving.

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 temporarily or permanently located, such as decks and satellite dishes. Boundary walls, fences and flagpoles are not considered structures.

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products.

Timber Harvesting Related Activities: Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities to facilitate timber harvesting.

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

Wholesale Business: The use of land and/or buildings engaged in the selling of merchandise to retailers to industry, commercial, institutional, farm or professional business users or other wholesalers as distinguish from the sale to the general public.

Yard: An unoccupied space, open to the sky, on the same lot with a building or structure.

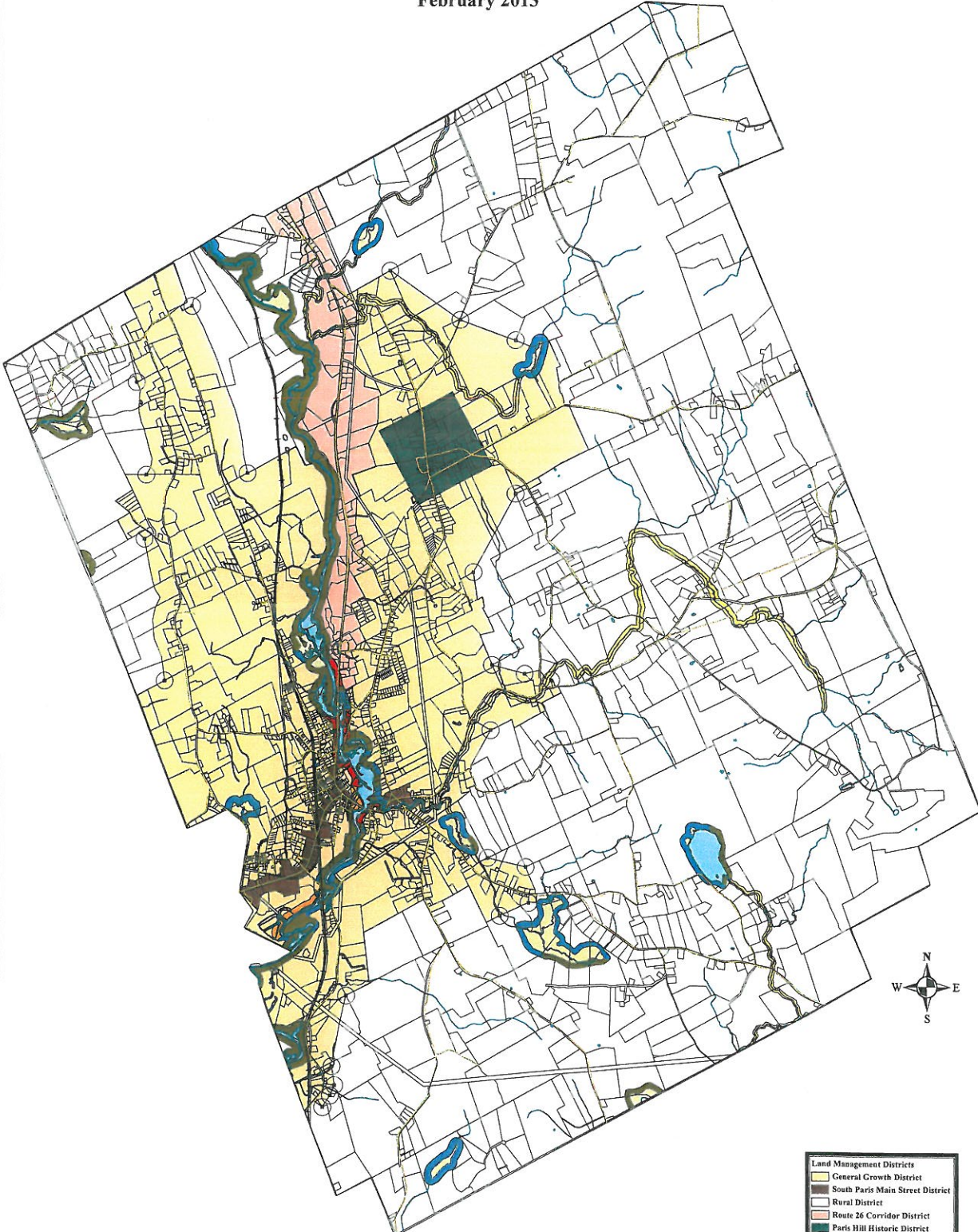
Yard Sale: So-called garage sales, porch sales, tag sales and the like occurring for not more than five (5) days per month. Goods, even those protected by temporary cover, shall not be visible from public or adjacent private property at any time other than at the time of the yard sale. Yard sales exceeding this definition shall be considered home occupations or commercial use and require review and approval by the Code Enforcement Officer or Planning Board.

01.04.12-JAM
02.09.12-JAM
07.25.12-JAM
09.21.12-JAM
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Paris, Maine

Land Management Districts

Land Use Advisory Committee Draft
February 2013



Land Management Districts	
	General Growth District
	South Paris Main Street District
	Rural District
	Route 26 Corridor District
	Paris Hill Historic District
Shoreland Zoning Districts	
	Shoreland General Development
	Shoreland Limited Commercial
	Shoreland Limited Residential
	Shoreland Resource Protection
	Shoreland Stream Protection
	Wetland

