

TOWN OF BLUE HILL
PROPOSED SHORELAND ZONING ORDINANCE AMENDMENTS

The Shoreland Zoning Ordinance for the Municipality of Blue Hill is proposed to be amended by adding the words shown in underline and removing the words shown in strikethrough, as follows: Explanations are highlighted and outlined.

Ordinance title change:
 Blue Hill Shoreland Zoning Ordinance ~~for the Municipality of Blue Hill~~

Explanation: The purpose for this change is to make all of Blue Hill's ordinances uniform.

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Section 12. Non-conformance

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C. Non-conforming Structures

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 e. Notwithstanding the limitations on height imposed under Section 12(C)(1), the height of a structure that is a legally existing nonconforming principal or accessory structure may be raised to, but not above, the minimum elevation necessary to be consistent with the local floodplain management elevation requirement or to 3 feet above base flood elevation, whichever is great, as long as the structure is relocated, reconstructed, replaced or elevated within the boundaries of the parcel so that the water body or wetland setback requirement is met to the greatest practical extent. The paragraph applies to structures that:
- (i) Have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the local floodplain management elevation requirement: and
 - (ii) Are located in an area of special flood hazard

Explanation: The purpose for this change is to be sure non-conforming structures are being raised to meet the minimum standards for Floodplain management.

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Section 14. Table of Land Uses

LAND USES	DISTRICTS				
	SP	RP	LR	GD	CFMA
15. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland					
a. Temporary	CEO	CEO	CEO	CEO	CEO
b. Permanent	PB	PB	PB	PB	PB
c. <u>Shoreline Stabilization</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>

Explanation: The purpose for this change is because shoreline stabilization applications must first be approved by the state who has qualified individuals who knows what steps and procedures are required for proper shoreline stabilization, therefore the town should not have to review the application a second time if the state is satisfied with the materials submitted from the applicant. Therefore, CEO approval should be adequate.

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Section 16. Administration

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C. Permit Application

- 1) Every applicant for a permit shall submit a written application and fees, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14. Every application shall include a fee in the amount indicated on the Town's fee schedule, as established and amended from time to time by the municipal officers. The fee amount shall be determined based on the date the application is deemed complete by the reviewing authority.
- 2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- 3) All applications shall be dated and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt. If the application involves residential construction, commercial construction, or structures extending over or below normal high-water line (piers, docks, wharfs) any additional completed application for those permits shall be submitted to the Code Enforcement Officer (i.e. Permit-By-Rule, NRPA Permit).
- 4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit including all applicable fees and the site evaluation approved by the Local Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.
- 5) The Applicant must provide to the municipal permitting authority preconstruction photographs and, no later than 20 days after completion of the development, post construction photographs of the shoreline vegetation and development site and a written statement and other evidence demonstrating that the proposed activity satisfies all applicable dimensional requirements and review criteria set forth in the ordinance.
- 6) When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.
- 7) Documents to be included with the application are as follows:
 - (a) site plan with a scale between 1":10' to 1":50'

- (b) Copy of FEMA Map Panel
- (c) Copy of relevant tax map
- (d) Any other federal, state, and local permits
- (e) Approved Subsurface Wastewater Disposal System Permit
- (f) OR Blue Hill Sewer Hook-Up Permit
- (g) Flood Hazard Development Permit
- (h) Army Corp of Engineers wetlands or navigable waters permit
- (i) DEP Natural Resources Protection Act Permit/DEP Permit-By-Rule Permit
- (j) Any local zoning waiver, special exceptions or variances
- (k) Harbor Master's letter (only for piers, wharves, floats, docks, ramps)
- (l) The Applicant must provide such other information as may be requested by the municipal reviewing authority to determine conformance of the proposal with this ordinance.

Explanation: The purpose for this change is to reference the Town's fee schedule and to include the documents that are required with the submission of an application.

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Section 17. Definitions

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Expansion of a structure - an increase in the footprint or height of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

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Height of a structure - ~~the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.~~

- A. With respect to existing principal or accessory structures, including legally existing nonconforming structures, located within an area of special flood hazard that have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the minimum elevation required by a local floodplain management ordinance, the vertical distance between the bottom of the sill of the structure to the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area; and
- B. With respect to new principal or accessory structures and to existing principal or accessory structures other than those described in paragraph A, including legally existing nonconforming structures, the vertical distance between the mean original grade at the downhill side of the structure, prior to construction, and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area.

Explanation: The purpose for this change is to update the Ordinance to state requirements.

***Other administrative changes can be viewed in the complete Ordinance. ***