TOWN OF AMHERST

LAND USE ORDINANCE

Approved by Town Vote
December 11, 1991

if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together provided that the State Minimum Lot Size Law and <u>Subsurface Wastewater Disposal Rules</u> are complied with.

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 the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. <u>Contiguous Lots - Vacant or Partially Built:</u> If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional or frontage requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

SECTION XII: CRITERIA FOR ESTABLISHING DISTRICTS

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, except that areas which are currently developed and areas which meet the criteria for the Shoreland Residential District need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, or of the high-water line of great ponds, rivers and streams designated on the Amherst Land Use Guidance Map as requiring shoreland zoning. Streams are designated in accordance with the definition in SECTION XVI.

2. Flood plains along rivers defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater

wetland as defined, and which are not surficially connected to a water body during normal spring high water.

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Shoreland Residential District

The Shoreland Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District.

C. Rural Residential District

The Rural Residential District includes areas of two acres or more not included in a Resource Protected District or a Shoreland Residential District.

In areas adjacent to great ponds and adjacent to rivers flowing to great ponds, the designation of an area as a Rural Residential District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established Rural Residential Districts or expansions in area of existing Rural Residential Districts adjacent to great ponds, and adjacent to rivers which flow to great ponds .

SECTION XIII: SCHEDULE OF USES

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable Land Use Guidance Standards in SECTION XIII. The district designation for a particular site shall be determined from the Official Land Use Guidance Map.

Key to Land Use Guidance Table:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Requires permit issued by the Planning Board

CEO - Requires permit issued by the Code Enforcement Officer

LPI - Requires permit issued by the Local Plumbing Inspector

DEP/- Activity may also require application to and permit issued by Maine Department of Environmental Protection

N/A - Not Applicable

*   - Land use activities permitted subject to specific Land Use Guidance Standards outlined in the next Section of this Ordinance

Abbreviations:
RP - Resource Protection
SR - Shoreland Residential
RR - Rural Residential

LAND USES IN THE SHORELAND ZONE

	LAND USE	RP	SR	RR
1	Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes
2	Motorized vehicular traffic on existing roads and trails	yes	yes	yes
3	Forest management activities except for timber harvesting	yes	yes	yes

	LAND USE	RP	SR	RR
4	Timber harvesting *	CEO[1]	yes	yes
5	Clearing of vegetation for approved construction and other allowed uses *	CEO[1]	yes	yes
6	Fire prevention activities	yes	yes	yes
7	Chemical application	PB	PB	PB
8	Wildlife management practices	yes	yes	yes
9	Soil and water conservation practices	yes	yes	yes
10	Mineral exploration *	yes[2]	yes[2]	yes[2]
11	Mineral extraction including sand and gravel extraction *	PB[2]	PB	PB
12	Surveying and resource analysis	yes	yes	yes
13	Emergency operations	yes	yes	yes
14	Harvesting of wild crops	yes	yes	yes
15	Agriculture *	PB	yes	yes
16	Aquaculture	PB	PB	yes
17	Principal structures and uses A. One and two-family residential	no	CEO	CEO
	B. Multi-unit residential	no	PB	PB
	C. Family farm	no	PB	PB
	D. Professional office (surgeon, physician, clergyman, architect, engineer, attorney, or similar profession)	no	PB	CEO
	C. Home occupation (customary home occupation for personal gain carried on and requiring only customary home equipment such as studio for an artist, musician or dressmaker)	no	PB	CEO
	D. Governmental structures	no	PB	PB
	E. Institutional structures	no	PB	PB
	F. Small neighborhood business such as drug store, bakery, grocery store, restaurant, hardware store, hobby shop, beauty shop etc.	no	PB	PB
	G. Rental cottages and cabins	no	PB	PB
	H. Automobile service stations	no	no	PB