



## **Town of Brunswick, Maine**

### **ZONING ORDINANCE REWRITE COMMITTEE**

85 Union Street, Brunswick, ME 04011-1583

### **WORK SESSION**

### **AGENDA**

**TOWN HALL ROOM 206**

**85 UNION STREET**

**FRIDAY, SEPTEMBER 30, 2016, 9:00 AM**

1. Public Comment
2. Planning Board Draft Revisions:
  - a. Shoreland Zoning
  - b. Stormwater Management
  - c. Signs
  - d. Development Review Application Requirements (locating trees over 10 feet in caliper; Class A [high-intensity] soil surveys)
  - d. Complete Streets Policy Reference
  - e. Chapter 5 Planning Board Review Topics/Revisions:
    - (1) Common Development Plan
    - (2) Fiscal Capacity
    - (3) Building and Change of Use Permits
    - (4) Waiver Criteria
    - (5) Revisions to Approved Development Plans
3. Next Meeting – Topics
4. Other Business

Please note that this is a Committee work session. The public is invited to attend with public comment allowed regarding discussion topics. Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TDD 725-5521.

#### 4.5.4. Stormwater Management

Comment [AB164]: Moved here.

##### A. Purpose

Stormwater runoff from developed sites can contain sediment, nutrients (such as phosphorus and nitrogen), hydrocarbons, metals and other harmful pollutants. The pollutants in stormwater can degrade natural ecosystems and drinking water supplies. Increased quantities of stormwater runoff can damage public and private land where existing surface water conveyances like culverts, bridges, and ditches are not designed to accommodate storm flows. Existing problems in the environment that are caused by poor stormwater quality and high stormwater volumes can worsen when vegetation is cleared and the ground is compacted since pollutants that were previously filtered by plants and absorbed into the earth are allowed to concentrate above ground and ultimately flow off-site.

The introduction of stormwater Best Management Practices (BMPs) can reduce impacts to the land during storm events, and safeguard the integrity of the land for future generations. The preferred stormwater treatment BMP for new development is the incorporation of natural vegetated buffers whenever site conditions are suitable. Alternative BMPs that increase stormwater infiltration rates into the ground and filter pollutant loads should be used when site conditions prevent the effective use of natural buffers. The closer proposed stormwater flows are kept to undeveloped conditions in terms of volume, rate, timing and pollutant load for the area encompassed by a project, the less likely that stormwater flows will damage the site, or public or private property, or cause harm to natural areas.

The purpose of this standard is to improve stormwater quality by reducing pollutant loads, and maintaining or decreasing runoff rates from developed land.

##### A.B. General Standard

Developments shall be designed to minimize the total area of impervious surface on the development site and shall incorporate stormwater management measures to minimize runoff volume and rate, as well as pollutant and nutrient loadings, from the site.

##### B.C. Specific Standards: Applicability

- (1) ~~Non-subdivision s~~Single and two-family dwelling units are exempt from the requirements of this section provided appropriate measures are taken that prevent unreasonable soil erosion and sedimentation beyond the site or into a wetland or water body.
- (2) ~~Any development project requiring that requires a Stormwater Management Law permit, other than a stormwater permit by rule (PBR) -in accordance with Rules adopted pursuant to a Chapter 500 Stormwater Permit Title 38 M.R.S.A. Section 420-D from the Maine Department of Environmental Protection (DEP)~~ shall be deemed to have met the requirements of this section.
- (3) Developments not requiring a ~~DEP~~Stormwater Management Law Permit pursuant to Title 38 M.R.S.A. Section 420-D and not otherwise exempt from the requirements of this section shall meet the standards set forth in subsection 4.5.4.C below.

**C.D. Specific Standards: Stormwater Runoff Quality Standards**

- (1) The stormwater management plan shall meet runoff treatment standards based on a percentage of impervious surfaces, and shall also meet a minimum treatment for the total disturbed area, as outlined in the Table 4.5.4 ~~Error! Reference source not found., Site Sliding Scale Table for Stormwater Treatment Sizing.~~

**Table 4.5.4: Sliding Scale for Stormwater Treatment Sizing**

Impervious Surface Area or Redeveloped Impervious Area (acres)	Percentage of Impervious Area Required to be Treated	Percentage of Total Developed Area Required to be Treated
Over 1 acre	95%	80%
1 acre < 0.75 acre	70%	60%
0.75 acre < 0.5 acre	50%	40%
0.5 acre < 0.25 acre	25%	20%
Under 0.25 acre	Shall meet Erosion Control requirements or DEP Chapter 500's Basic Standards	

NOTES:  
 1. Developments with more than 1 acre of impervious surface ~~are may be~~ required to obtain a DEP Stormwater Management Law Permit in accordance with DEP Chapter 500 standards from the Maine Department of Environmental Protection.

**Comment [JW165]:**

Developed land – land areas that consist of: impervious area; compacted soil and sparse vegetation as a result of human activity; and lawn areas that are cut more than twice annually.

Maintenance activity – activities associated with stabilizing soil erosion, preventing sedimentation from developed land, or reconstruction of existing developed land provided the activity does not require Site Plan review.

Redeveloped Impervious Area – existing impervious area that is required for off-street parking and vehicle traffic circulation. Existing impervious areas that are not required for off-street parking and vehicle traffic circulation are not redevelopment area.

Chapter 4 - Property Development Standards  
Section 4.5 Basic and Municipal Services  
Subsection 4.5.4 Stormwater Management

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- (2) ~~Development~~ Stormwater management plans design shall either:
- a. Use the treatment sizing methodology required under DEP's Chapter 500 Stormwater Rules (06-096 C.M.R. ch. 500) (which includes stormwater management design practices in accordance with the *DEP Stormwater Manual, Volume III-BMPs Technical Design Manual*); or
  - b. Rely on Low Impact Development (LID) design practices and techniques as approved by the Maine DEP; or
  - c. Use alternative treatment measures and techniques approved by Review Authority as appropriate for the site and providing at least an equivalent level of treatment as the standard techniques.
- i. The Review Authority may approve the use of alternative treatment measures and techniques upon a written waiver request submitted by the developer, and upon the recommendation from the Town's Engineer and/or Public Works Director.
  - ii. The Review Authority's evaluation of alternative treatment measures and design practices shall be based on those set forth in Chapter 10 of the *DEP Stormwater Manual, Volume III-BMPs Technical Design Manual*, and/or any manual formally adopted by the Review Authority.
  - iii. The developer bears the burden of showing that any alternative design meets the treatment standards to an equivalent degree.

**D.E. Specific Standards: Stormwater Runoff Quantity Standards**

- (1) Developments shall be **designed to** compare the post-development conditions rate of runoff **to the pre-developed** condition rate for the 2-year and 25-year, 24-hour event. Any stormwater draining onto or across the lot in its pre-improvement state shall not be impeded or redirected so as to create ponding on, or flooding of, adjacent lots.
- (2) Studies **and** or calculations using larger storm event precipitation data may be required at **the discretion** of the Review Authority and be reviewed by the Town Engineer or **assigned** qualified third party reviewer. Data used to provide proof may include, but is not limited to, data for the 50-year, 24-hour rain event; data for the 100-year, 24-hour rain event; or acceptable rainfall data from recently recorded significant precipitation event(s).
- (3) Developments that cannot control peak runoff rates to pre-development conditions shall submit a request for a waiver to the Review Authority, who may grant the request if it finds each of the following:
  - a. Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following development can be handled on the adjacent lot without creating ponding, flooding, or other drainage problems, and that the owner of the lot being developed has obtained the legal right, written permission, or authorization by the property owner to increase the flow rate of stormwater onto the adjacent lot(s);

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Subsection 4.6.1 General Standard

- b. Any increase in volume or rate of stormwater draining from the lot onto Town-owned property following development can be handled without creating ponding, flooding, or other drainage problems, and that the owner of the lot being developed has obtained the legal right, written permission, or authorization by the Town of Brunswick to increase the flow rate of stormwater runoff onto its property;
- c. Any increase in volume or rate of stormwater draining from the lot into the Town's separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system. The developer bears the burden of proving adequate system capacity, which must be approved by the Public Works Director.

## 4.6 Landscaping Requirements

### 4.6.1. General Standard

A development's landscaping shall enhance structures and parking areas and shall minimize the development's effect on abutting properties. Wherever practicable, existing topography and vegetation shall be maintained.

**Comment [JE166]:** Standard taken from language in Don's proposed 4.5.2.A.(1) and (2). MAW

### 4.6.2. Specific Standards: Landscaping

- A. Landscape design shall include all forms of plantings and existing and proposed vegetation, topography, water patterns, and utilitarian structures including, but not limited to, materials such as fences, walls, and where there is difficulty in achieving vegetation growth, a variety of paving types.
- B. Suitable plant material shall be selected according to its structure, texture, color, ultimate growth, and hardiness. Lists of suitable plants and trees is available from the Planning and Development Department.
- C. Planting areas shall be protected from vehicular traffic and parking areas through the use of curbs, wheel stops, or other permanent barriers.
- D. Alternative landscaping may be approved by the Review Authority pursuant to Subsection 4.16.2 (Alternative Equivalent Compliance).

**Comment [AB167]:** To provide listings as needed-4/15/16.

### 4.6.3. Specific Standards: Street Trees

The following standards apply whenever new principal structures are constructed within a Growth District.

- (1) Street trees shall be provided along road frontages with a recommended spacing of 40-65 feet for large growing shade trees and recommended spacing of 30-35 feet for smaller growing trees to be planted under existing utility lines.
- (2) Full size shade trees should not be planted under utility wires.
- (3) Street trees shall be located at least ten (10) feet from hydrants, water, sewer, and service lines, and driveway/access road entrances.
- (4) The size of street trees shall range from 1.75-inch caliper to 3-inch caliper.
- (5) When tree planting is to take place in an esplanade or tree planting strip, the width of planting spaces should be a minimum of five (5) feet in width, measured from the back of the curb to edge of sidewalk.

**B. Specific Standards**

- (1) All development on former Brunswick Naval Air Station- (BNAS) lands must be implemented and monitored in accordance with state and federal laws governing said lands. All applications for development review must demonstrate that the proposal takes into account the actions necessary to comply with the **BNAS Land Use Controls Implementation Plan, as amended.**
- (2) In making determination that an application meets the General Standard 4.3.2 above, the Review Authority shall at least consider:
  - a. The elevation of the land above sea level and its relation to the flood plains. (See subsection 2.3.4 (Flood Protection Overlay (FPO) District);
  - b. The nature of soils and subsoils, and their ability to adequately support waste disposal;
  - c. The slope of the land and its effect on effluents;
  - ~~d. The availability of streams for disposal of effluents; and~~
  - ~~e.d.~~ The applicable Federal, State and local health and water resource rules and regulations.

**Comment [AB151]:** Add in date when adopted.

**Comment [JW152]:** Remove this.

**4.3.3. Protection of Natural Vegetation**

**A. General Standard**

The proposed development maximizes the preservation of natural landscape features, does not occur within or cause harm to land not suitable for development, will not have an undue adverse effect on the area's scenic or natural beauty, and, for a subdivision, has not occurred in violation of state rules relating to liquidation harvesting.

**Comment [JE153]:** From PB Chapter 5 draft. MAW

**B. Specific Standards**

- (1) With the exception of brush clearing activities, developments in Rural Area zoning districts and Scenic Areas identified within the Brunswick Parks, Recreation and Open Space Plan, as amended, shall maintain an existing vegetated buffer of at least 25 feet along existing roads/rights-of-way except where doing so conflicts with the protection of other protected natural resources. The buffers may be broken only for driveways, streets, and stormwater infrastructure where it is impracticable to locate them elsewhere.
- (2) Except for developments within the Wildlife Protection Overlay, developments are encouraged to site building envelopes within or adjacent to forested areas and to discourage siting development in open fields. (3) If a violation of Chapter 23 Rule, as amended, adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Review Authority must determine prior to granting approval for a subdivision that five (5) years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel.

**Comment [AB154]:** Equivalent to least front setback requirement in the Rural Area Districts/

**4.3.4. Protection of Significant Plant and Animal Habitat**

**A. General Standard**

The development will not have an undue adverse effect on important plant and animal habitats identified by the Maine Department of Inland Fisheries and Wildlife or Town of Brunswick, or on rare or irreplaceable natural areas, such as rare and exemplary natural communities and rare plant habitat as identified by the Maine Natural Areas Program.

**Comment [JE155]:** From PB Chapter 5 draft. MAW

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Section 4.8 Circulation and Access  
Subsection 4.8.1 Street Standards

Director of Planning and Development—who shall review the project for safety. Design of streets shall address pedestrian and bicycle safety and movement.

- (2) The size and design needs of new streets shall be based upon the anticipated multimodal users (vehicles, bicycles, pedestrians, transit) to be accommodated.
- (3) All new streets shall be classified in accordance with criteria set forth in the Brunswick Street Acceptance and Standards Ordinance, as amended.
- (4) All street designs shall comply with the Maine Department of Transportation (DOT) Complete Streets Policy dated June 2014, as amended. To comply with this policy, all new private and public street projects funded in part or in whole by Maine DOT shall include designs and features to ensure that the street serves the needs all users, including motorists, transit users, bicyclists, and pedestrians of all abilities, as warranted and feasible (as those terms are defined in the Policy).
- (4)(5) The use of street based stormwater treatment methods such as landscaped curb bump-outs, porous pavement and retrofitting existing roads with structural soils with stately native trees is to be encouraged.

Comment [AB175]: Revised based on ZORC discussion 4/25/16

revised 9/29/16

**C. Specific Standards: Street Design and Dedication Standards**

Streets intended for public dedication shall be designed and constructed in accordance with the Brunswick Street Acceptance and Standards Ordinance, as amended. The Review Authority may approve private roadways for subdivisions; however if they do not conform with these standards they may not be considered for dedication. Applicants proposing private roadways shall apply the Alternative Roadway Standards contained in Appendix B (Street Standards).

**D. Specific Standards: Interconnectedness**

- (1) **General:** The street design shall allow for proper continuation of streets from other adjacent subdivisions and built-up areas. Dead-ends are to be avoided unless based on site constraints and there are no other feasible alternatives. For purposes of this section, pedestrian or bicycle connections to adjacent lands may be sufficient to satisfy this requirement. This requirement may be waived in cases where interconnectedness would result in the disruption of community character.
- (2) **GC1 and GC2 Connectivity Restriction:** Development Review approvals in the GC1 and GC2 zoning districts shall not result in the construction of new streets or access for vehicles connecting to Meadowbrook Road, Whittier Street, Breckan Road, Atwood Lane, Bowdoin Street or Berry Street. No new construction within the GC1 and GC2 zoning districts shall be accessed through any of these streets.

Comment [AB176]: From current Sec.204.3.C). Also referenced in Use Table.

**E. Specific Standards: Sidewalks**

- (1) Within all Growth Area zoning districts sidewalks on internal public or private streets and the development side of all adjacent perimeter streets are required to be constructed for all new developments except in any of the following situations:
  - a. When it is determined by the Town Engineer or designee that the sidewalks will unreasonably interfere with or disrupt stormwater drainage;
  - b. When public roadway construction/improvements that requires sidewalk construction and/or replacement is scheduled within the current Brunswick Capital Improvements Program and funding is escrowed by the developer to complete sidewalks at the time of scheduled roadway construction/improvements;

Comment [AB177]: Added by ZORC 6/9/16

Comment [AB178]: Added per ZORC discussion 6/9/16

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.1 General Standard

- (5) No drive-through facility audio speakers shall be located between the nonresidential or mixed use development's principal building(s) and property lines shared with Growth Residential district lots containing a single or two-family dwelling, unless the speaker is located at least 100 feet away from and oriented to project sound away from the Growth Residential district boundary.
- (6) Hours of operation for nonresidential uses located adjacent to a Growth Residential district single or two-family dwelling shall be limited to 7:00am – 11:00pm.
- (7) All operations on the Growth Mixed Use or Growth Special Purpose property shall comply with the standards of subsection 4.13.1.C (Performance Standards – Noise) and all applicable Town ordinances regarding loud, offensive, or unreasonable noises.

**4.13 Signs**

**Comment [AB179]:** Staff revision 9/22/16

**4.13.1. General Standard**

All new outdoor signs must be compatible in design and scale with their surroundings and shall not unreasonably interfere with the safe operation of adjoining roads, sidewalks, parking areas, or uses.

**4.13.2. Specific Standards**

Signs may not unduly impact property values, and should enhance and protect the physical appearance of the community, avoid ~~sign or advertising~~ distractions and obstructions, and reduce hazards that may be caused by signs.

**A. Standards and Permits Required**

- (1) No sign shall be erected or altered unless it conforms with these regulations. Signs must be kept clean, legible, and free from all hazards, such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, or constitute a distraction or obstruction that may impair traffic safety. Any such sign that becomes a nuisance or a hazard to public safety shall be removed from the premises if so ordered by the Codes Enforcement Officer.
- (2) If applicable, no sign shall be erected or altered unless it conforms with the Cooks Corner Design Standards, the Village Review Overlay Design Guidelines or the Brunswick Landing Design Guidelines administered by the Midcoast Regional Redevelopment Authority.
- (3) The construction, alteration, maintenance and repair of all signs shall conform to all applicable building and electrical codes adopted by the Town of Brunswick.

**B. Nonconforming Signs**

**(1) Continuance**

A nonconforming sign may be continued even though it does not conform to the requirement of this Ordinance.

**(2) Change**

Any change in the content of a nonconforming sign ~~including names, words, logos, or similar information~~ shall not constitute a change requiring the sign's compliance with the

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#### Section 4.13 Signs

##### Subsection 4.13.2 Specific Standards

current sign standards in this Section 4.12-13 provided that, the sign is not a prohibited sign under subsection 4.1213.2.C (Signs Expressly Prohibited), the changes do not make the sign more nonconforming, and a permit is obtained for the changes from the Codes Enforcement Officer.

#### (3) Termination of Identified ~~or Advertised Business or~~ Use or Activity

If a sign becomes nonconforming because the ~~business-associated~~ use or activity it identifies ~~or advertises~~ is terminated ~~(i.e., because it no longer relates to a business use or activity on the premises)~~, the sign face shall be removed within 30 days after the date the ~~business use~~ or activity is terminated. If the sign face is not reused by another ~~business use~~ or activity occupying the same site within one ~~(1)~~ year after the termination of the previous ~~business use~~, the ~~whole-entire~~ sign, ~~including all mountings, brackets, poles, sign faces, and other signage material,~~ shall be removed.

#### (4) New ~~Signage~~ Signs and Waivers

New ~~signage signs~~ may be proposed for a site that contains nonconforming ~~signage signs~~, provided that all new ~~signage signs~~ ~~complies-comply~~ with this Section 4.1213. The Review Authority may waive sign standards to allow new ~~signage signs~~ on a site containing nonconforming ~~signage signs~~ provided it finds that extenuating circumstances render compliance with this Section 4.1213, infeasible or impractical, and that the signage plan for the entire site furthers the spirit and intent of this Ordinance by reducing visual clutter, or otherwise improves the aesthetic appearance of the signage on ~~the~~ site by bringing the overall site into closer compliance with the requirements of this Section 4.1213.

#### (5) Restoration and Reconstruction

Any nonconforming sign that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition provided that a permit for the restoration or reconstruction is obtained within one ~~(1)~~ year after the date of destruction or damage, and no existing nonconformity is increased and no new nonconformity is created. Any restoration or reconstruction of the sign approved more than one ~~(1)~~ year after the destruction or damage shall comply with all requirements of this Ordinance.

### C. Signs Expressly Prohibited

The following signs are prohibited in all zoning districts:

- (1) Off-premise signs. The Codes Enforcement Officer or his/her duly authorized representative has the authority to immediately remove any unauthorized off-premise sign.
- (2) Flashing illuminated signs, with the exception of Changeable Message signs allowed in subsection 4.1213.3.D.
- (3) Moving signs, including but not limited to inflatable/expandable object signs, wind/feather signs, streamers, pennants, large bundles ~~[greater-more~~ than six ~~(6)]~~ of balloons and other signs with moving parts ~~(excepting "Open" flags)~~ meant to attract the attention of the general public.
- (4) Roof signs.
- ~~(5) Portable signs, with the exception of those used for the conveyance of traffic and other public safety information.~~

The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property owner

Section 4.13 Signs

Subsection 4.13.2 Specific Standards

~~(6)~~(5) Signs located in, on, or projecting over any public right-of-way with the exception of Special Requirement Signs as permitted in subsection 4.12.6.

**D. Exemption of ~~Certain Town Council~~-Authorized Signs**

Signs authorized by the Brunswick Town Council or their designee to be displayed on, or over public rights-of-way shall be permitted, subject to the following: are exempt from all standards of this Section 4.13, with the exception of subsection 4.12.6 (Special Requirement Signs).

- (1) The sign shall be a freestanding sign, with an area not exceeding 24 square feet.
- (2) The height of such sign shall not be greater than six (6) feet.
- (3) The sign shall not be illuminated.
- (4) The sign shall be removed one (1) week after the activity has ended.

**Comment [AB180]:** Revised by ZORC 9/29/16.

**E. Calculation of Size of Sign**

**(1) Two-Sided Sign**

Only one (1) side of a sign shall be counted when determining the size of a two-sided sign.

**(2) Signs Within or on Structures**

When the graphic representation of the sign occurs on a sign board, the size of the sign shall be calculated by include the square footage of the sign board. For illuminated signs, all proportions of the sign that are illuminated shall be included in the square footage. Where individual sign graphics are attached to a structure and no sign board is used, the sign area is the sum of the areas of each of the graphic elements.

**F. Illumination**

**(1) Directly Illuminated Signs**

- (a) The light emitted from a directly illuminated sign shall not result in light trespass beyond the intended area of illumination.
- (b) Directly illuminated signs located in GR or any Rural District is permitted only between the hours of 7:00 am and 11:00 pm or during hours open to the public, whichever is less.

**(2) Internally Illuminated Signs**

Internally illuminated signs are permitted only in the GM4, GM5, GM7, GM8 (Bath Road only), GA, and GI Districts.

**(3) Tube Illuminated Signs**

Tube illuminated signs, also known as neon signs, shall not result in excessive light trespass or glare.

**Comment [AB181]:** Revised per ZORC discussion 9/29/16

**G. Maximum Sign Size**

No sign shall exceed 200 square feet, except for:

- (1) Any sign for which a smaller sign area is indicated in this Section 4.13; and
- (2) Wall signage on structures greater than 30,000 square feet, which shall not exceed 250 square feet.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.3 Standards for Sign Types Requiring Permits

H. ~~Advertising Messages Incorporated into Approved Signage~~ **Substitution of Noncommercial Message**

~~Noncommercial signs shall be allowed in all districts and may be substituted for any expressly permitted sign under this Ordinance. Noncommercial signs shall be subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign being substituted. Permanent advertising messages or business information (such as signage indicating business hours, signage indicating which types of bank machine cards are accepted, or other similar message) shall be considered a sign subject to review, unless that message is in a sign not subject to permit. Review of such signage shall also consider other signs on the site.~~

**Comment [AB182]:** Revised (Reed v. Gilbert). 9/29/16

I. **Sign Maintenance**

All signs shall be maintained pursuant to Section 4.15 (Maintenance).

**4.13.3. Standards for Sign Types Requiring Permits**

Signs are permitted as indicated in each subsection below subject to a permit issued by the Codes Enforcement Officer. The permit application shall indicate the type, size, and location of the sign and shall be accompanied by a fee as determined by the Town Council.

A. **Awning Signs**

- (1) The area of an awning sign shall not be included in the total building sign area permitted by this ordinance.
- (2) The total area of awning signage shall not exceed one (1) square foot for each one (1) linear foot of awning width up to a maximum of 16 square feet.
- (3) A vertical clearance of no less than eight (8) feet shall be maintained for all parts of an awning.

~~B. Building Directory Signs~~

- ~~(1) Any building directory sign shall be attached at a building entrance to identify the business occupants for pedestrians entering the building and shall not be included in the total building sign area permitted by this ordinance.~~
- ~~(2) A building directory sign shall not exceed a total of six (6) square feet in size.~~
- ~~(3) A building directory sign located in the GM6 zoning district shall be made of wood or material resembling wood.~~

~~C. Campus-Type Signs~~

~~The following signage is permitted on parcels of land developed in a campus-type environment, as defined as larger parcels of land with multiple buildings including hospitals, mill complexes, business parks or public or private educational facilities.~~

(1) **Main Vehicle Entrance Signs**

A freestanding pole or monument sign may be located at main vehicular entrances to the campus, ~~and unless otherwise permitted, such signs shall be limited to a symbol and/or name identifying the campus and (if desired) the street address.~~ Each sign shall comply with the following standards:

- a. Freestanding pole signs shall not exceed 25 square feet in total sign area nor exceed 15 feet in height.

**Comment [AB183]:** include in wall signs

**Comment [AB184]:** Review

**Comment [AB185]:** include in definitions

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

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- b. Freestanding monument signs shall not exceed 32 square feet in total sign area nor exceed ten (10) feet in height.
- c. ~~Main-Vehicle~~ entrance signs shall be sited within the boundaries of the campus and shall not be located within the right-of-way of any public street nor create or aggravate a traffic hazard.
- d. For a campus-type parcel with ~~secondary-multiple~~ vehicular entry points, ~~one~~ additional ~~main-vehicle~~ entrance signs, to be installed in accordance with subsections a through c above, may be sited at each ~~secondary~~ vehicular entry point, provided that any ~~secondary-additional~~ entrance signs are not readily visible from any other ~~main-vehicle~~ entrance signs located on the same campus parcel.

(2) ~~Interior Campus Destination~~ Signs

Interior campus signs providing detailed ~~directional and/or informational text or mapping~~ assistance to on-site destinations may be installed and shall comply with the following standards

- a. ~~Campus destination~~~~interior campus~~ signs shall not exceed ~~15-32~~ square feet in ~~size per~~ nor exceed ten (10) feet in height.
- b. ~~Interior Campus destination~~ signs shall be sited within the boundaries of the campus and shall not be located within the right-of-way of any public street, nor create or aggravate a traffic hazard.

~~Internal campus signs displaying circulation, directional or regulatory information not exceeding a total sign area of six (6) square feet nor eight (8) ten (10) feet in height, are exempt from the requirement of obtaining a sign permit. Such signs shall not be installed within a right of way of a private or public street or highway, nor create or aggravate a traffic hazard.~~

Comment [AB186]: R inserted by ZORC 9/29/16

(3) ~~Campus Directory Map~~

~~Map directions graphically identifying the various destinations across the campus, may be installed and shall comply with the following standards.~~

- a. ~~Campus directory signs shall only be located along private vehicular or pedestrian access ways or parking areas to prevent unsafe conditions along public ways.~~
- b. ~~Campus directory signs shall not be located within the right-of-way of any public street.~~
- c. ~~Campus directory signs shall not exceed 32 square feet in total sign area nor exceed seven (7) feet in height~~

Comment [AB187]: N ow included in campus interior signs

(4) ~~Miscellaneous Campus Signs~~

~~Signs displaying circulation, directional or regulatory information not exceeding a total sign area of six (6) square feet nor eight (8) feet in height, are exempt from the requirement of obtaining a sign permit. Such signs shall not be installed within a right of way of a private or public street or highway, nor create or aggravate a traffic hazard.~~

Comment [AB188]: I ncluded in interior campus signs.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

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Subsection 4.13.3 Standards for Sign Types Requiring Permits

**D.C. Canopy Signs**

Canopy signs are allowed in addition to other types of signs permitted by this Section 4.13. The sign area shall not extend beyond the edges of the canopy and shall comply with one (1) of the two (2) following alternative provisions:

- (1) The total sign area shall not exceed nine (9%) percent of the total square footage of all sides of the canopy with no more than two (2) signs located anywhere on the canopy.
- (2) The total sign area shall not exceed 15 percent of the area of the side of the canopy on which it is located with no side containing more than one (1) sign.

**E.D. Changeable Message Signs**

All changeable message signs shall comply with the following standards.

- (1) Changeable message signs shall only be permitted in the GM4, GM5, and GM8 (Bath Road frontage only) districts.
- (2) Each sign shall meet the dimensional requirements in this per Section 4.1213 of this ordinance.
- (3) Messages shall remain fixed on the display surface for not less than five (5) seconds and may transition as rapidly as technologically practicable, but not to exceed a transition time of one (1) second, with no phasing, rolling, scrolling, flashing, or blending of content.
- (4) ~~Each Such~~ signs shall be equipped with a sensor or other device that automatically determines the ambient illumination conditions and be programmed to automatically dim the sign illumination to not exceed the ambient light conditions by more than 0.3 foot candles. The Codes Enforcement Officer shall use the Illumination Measurement Criteria in accordance with the "Night-time Brightness Levels for On-Premise Electronic Message Centers" as recommended by the International Sign Association dated April 2011, as amended, which is on file in the Planning and Development Department of Planning and Development office.
- ~~(4)(5) Such signs shall not be visible from a controlled-access highway or ramp.~~
- ~~(5) Each sign may consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial, or photographic images. No sign shall include animated or video content.~~

**F. Development Signs**

~~A single sign not to exceed 16 square feet in area shall be permitted to identify the name of a development. The development sign shall be located on a common area within the development.~~

**G.E. Directory Pole Multi-tenant Signs**

~~Directory Poles Multi-tenant signs are allows permitted at major entrances to ~~commercial, business, retail, multi-tenant, or industrial~~ developed properties and shall comply with the sign type standards in this Ordinance and may exceed such standards as follows: following standards:~~

- (1) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (Bath Road frontage only), and GI Districts a directory pole multi-tenant sign may consist of 25 square feet per non-residential use, tenant; not to exceed a cumulative sign area of 200 square feet of total sign area nor 15 feet in height.

**Comment [AB189]:** Deleted – Reed case

**Comment [AB190]:** Deleted here and allow as a pole or monument sign.

**Comment [AB191]:** Revised per ZORC discussion 9/29/16

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property owner

Section 4.13 Signs

Subsection 4.13.3 Standards for Sign Types Requiring Permits

- (2) In the GM6, ~~and~~ GM8 (excluding Bath Road frontage lots) ~~and RM~~ Districts a ~~multi-tenant pole~~ sign may consist of 18 square feet per ~~non-residential use tenant~~, not to exceed a cumulative ~~sign~~ area of 54 square feet nor 12 feet in height.

Comment [AB192]: Added by staff 9/22/16

**H.F. Monument Signs**

- (1) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 (Bath Road frontage only), and GI Districts the size of the face of a monument sign shall not exceed 32 square feet nor a height of ten (10) feet.

- (2) In the GC1-4, GM6, ~~and~~ GM8 (excluding Bath Road frontage lots) ~~and RM~~ Districts the size of a monument sign shall not exceed 18 square feet nor a height of eight feet. The maximum height of a monument sign is ten (10) feet.

Comment [AB193]: Added by staff 9/22/16

- ~~(2)~~(3) ~~In all other zoning districts the height of a monument sign shall not exceed six (6) feet nor 12 square feet in size.~~

- ~~(3)~~(4) Only one (1) monument sign per 250 feet of lot frontage is permitted. For a lot of record with less than 250 feet of lot frontage, one (1) monument sign is permitted.

**H.G. Neon-Tube Illuminated Window Signs**

~~Neon signs~~ Tube illuminated signs also known as neon signs, that are placed inside a window are permitted, ~~provided that the signs do not and shall not~~ exceed 25 percent of the glass area of the window on which the sign is to be placed.

**H.H. Entrance/Exit Multiple-Driveway Directional Signs**

~~An entrance/exit directional~~ A multiple-driveway sign may not exceed two (2) square feet in area ~~and shall be placed so as not to impede sight distance.~~

Comment [AB194]: Revised per ZORC discussion 9/29/16

**H.I. Pole Signs**

- (1) Only one (1) pole sign per 250 feet of lot frontage is permitted. For a lot of record with less than 250 feet of lot frontage, one (1) pole sign is permitted.

Comment [AB195]: Include development signs.

- (2) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), and GI Districts, the height of the pole sign shall not exceed 15 feet and the size of a pole sign shall not exceed 25 square feet.

- (3) In the GM6, GM8 (excluding lots with Bath Road frontage), ~~and~~ GC1-4 ~~and RM~~ Districts, the height of a pole sign shall not exceed ten (10) feet and the size of the pole sign shall not exceed 18 square feet. Pole signs in these districts shall be constructed of materials that are made of or resemble wood.

Comment [AB196]: Added by staff 9/22/16

- (4) In all other zoning districts the height of a pole sign shall not exceed ten (10) feet and the size of a pole sign shall not exceed 15 square feet. Pole signs in these districts shall be constructed of materials that are made of or resemble wood.

- (5) Pole signs shall be set back at least five (5) feet from a side or rear property line.

**H.J. Projecting Signs**

- (1) In all Growth Residential (GR) ~~De~~districts, GM6, and GM8 (excluding lots with Bath Road frontage) Districts, Growth College (GC) ~~De~~districts, and Rural Area Districts the size of a projecting sign shall not exceed six (6) square feet and the sign shall not project more than three (3) feet beyond the wall to which it is attached.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.4 Temporary Signs Allowed and Not Subject to Permitting

- (2) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), and GI Districts, the size of a projecting sign shall not exceed 25 square feet.
- (3) Where a projecting sign projects over a sidewalk, it must clear the sidewalk by at least eight (8) feet.
- (4) Any use that contains a projecting sign may not contain a pole sign, unless the projecting sign is located 50 feet or more from a public right-of-way street.
- (5) Projecting signs shall not be placed above the first story of a structure unless it is advertising-related to a use that occurs above the first floor. Where a projecting sign occurs above the first story of a structure, it may not be placed higher than the midpoint of the second story.

M.K. Wall Signs

- (1) No wall sign shall protrude beyond the roof line or cornice structure of a building, and shall not cover windows, doors or architectural detailing of the building to which it is affixed.
- (2) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), GC1-4, and GI Districts, each nonresidential establishment shall be allowed wall signage not to exceed a total of 25 square feet. However establishments occupying a portion of the building's principal facade shall be allowed wall signage not to exceed 25 square feet or ten (10%) percent of that portion of the principal facade occupied by that establishment, whichever is greater.
- (3) In the GM6, and GM8 (excluding lots with Bath Road frontage) and RM Districts, wall signs shall not exceed 16 square feet. Wall signs shall be placed on the building floor level of which the establishment is located.
- (4) In all other districts, each nonresidential establishment shall be allowed wall signage not to exceed a total of 16 square feet. However, establishments occupying a portion of the building's principal facade shall be allowed wall signage not to exceed 16 square feet or ten (10) percent of that portion of the principal facade occupied by that establishment, whichever is greater.

4.13.4. Temporary Signs Allowed and Not Subject to Permitting

Temporary signs are permitted as indicated below and are not subject to a permit. Temporary signs listed below shall not be placed in a position that will impair vision, obstruct traffic, or create a hazard or nuisance to the general public.

A. Sidewalk or Sandwich Signs

- (1) Sidewalk or sandwich signs, including but not limited to, easel signs and other similar signs are permitted in any district and. They shall be made of durable materials (i.e., not of cardboard or paper).
- (2) Such signs and shall not be placed to allow at least five (5) feet of sidewalk width for unrestricted pedestrian movement and impede pedestrian access or shall not create a vehicular traffic hazard.
- (3) Such sign and shall not exceed eight (8) square feet in size per side.
- (4) Only one (1) sign per establishment 50 linear feet of street frontage is permitted, not to exceed three (3) such signs per property. Sand shall be

Comment [AB197]: Staff revision 9/29/16

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

#### Section 4.13 Signs

##### Subsection 4.13.4 Temporary Signs Allowed and Not Subject to Permitting

~~removed each day at the close of business. Such signs can only be placed outside while the establishment is open.~~

Comment [AB198]: F or ZORC discussion

##### C. ~~Household-Nameplate~~ Signs

Signs that display street numbers, last names, and personal names given to residential structures.

##### C. ~~Contractor~~ Freestanding/Yard Signs

- (1) The size of a ~~contractor freestanding/yard~~ sign shall not ~~to~~ exceed ~~24-eight (8)~~ square feet ~~in GN, GR1-10, RR, RN, RF and RP1-2 Districts nor 24 square feet in all other Districts.~~
- (2) ~~With the exception of political signs, A contractor freestanding/yard may be placed on-premise no more than three (3) days prior to the activity and shall be removed within three (3) days of the end of the activity. Signs shall be removed within five (5) days of the issuance of a Certificate of Occupancy, where one is required. A contractor sign used during home improvement or renovation projects that are not subject to Certificate of Occupancy shall be removed within five (5) days after the work has been completed.~~
- (3) ~~Political signs on private property may remain indefinitely, and shall not be located on or in front of Town-owned property, including but not limited to schools, parks, cemeteries.~~
- (4) ~~Freestanding/yard signs are prohibited to be located within a public right-of-way.~~

Comment [AB199]: Revised per ZORC discussion 9/29/16

##### B. ~~Farm Stand~~ Signs

~~Farm stand signs are permitted provided that each sign is no greater than ten (10) square feet in area and they displayed only during the season when the premises are open for business. Farm stand signs may have changeable copy and shall only be located on the property at which the farm stand exists.~~

##### C. ~~Lawn, Yard, or Garage Sale~~ Signs

- (1) ~~Lawn, yard, or garage sale signs are prohibited on any State or Town-owned parcel.~~
- (2) ~~Signs shall not be posted more than three (3) days prior to the sale and shall be removed within 24 hours of the end of the sale.~~
- (3) ~~Signs are limited to four (4) square feet in area.~~

##### D.B. ~~Motor Vehicle~~ Signs

~~A sign. The use of business logos, identification or advertising on registered motor vehicles primarily and actively used for a use business purposes is permitted.~~

Comment [AB200]: Revised per ZORC discussion 9/29/16

##### E. ~~Political Campaign~~ Signs

~~Political Campaign Signs are permitted on private property, not to exceed eight (8) square feet in size. Political signs shall not be located on or in front of Town-owned property including but not limited to schools, parks, cemeteries, road right-of-ways, and Town-owned buildings.~~

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.5 Special Event or Notice Signs Requiring Notice to Codes Enforcement Officer

~~F. Real Estate Signs~~

- ~~(1) A real estate sign for the sale of a residential structure shall not exceed four (4) square feet in area. A real estate sign for all other uses and vacant land shall not exceed 32 square feet in area.~~
- ~~(2) Real estate signs shall be removed within ten (10) days after the sale or lease of the property.~~

~~G.C. Window Signs~~

~~Window signs are allowed provided they are placed on the inside of the window and occupy no more than 25% of the glassed area of the window on which the sign is to be placed.~~

~~F. Flag Signs~~

~~Flag signs shall be permitted in all districts and shall be attached to a structure.~~

**4.13.5. Special Event ~~or Notice~~ Signs Requiring Notice to Codes Enforcement Officer**

- A. Prior to ~~displaying~~ installing any special event ~~or notice~~ sign, the building occupant or property owner shall submit written notification to the Codes Enforcement Officer of the proposed sign's installation and removal.
- B. No individual building occupant or property owner may ~~display~~ install a special event ~~or notice~~ sign for more than 90 days within a calendar year, provided that special events or notice signs for an event ~~or notice~~ exceeding 90 days in length may remain in place for (a) a period not to exceed five (5) calendar days immediately following the conclusion of the event ~~or notice~~, or (b) 180 days per calendar year, whichever is less, upon written approval by the Codes Enforcement Officer.
- C. Special events ~~or notice~~ signs shall not interfere with pedestrian or vehicular access.
- D. Special events ~~or notice~~ signs shall be located on the property of which the special event ~~or notice~~ is to take place.

**4.13.6. Special Requirements Signs**

The following signs are allowed subject to special requirements without obtaining a permit from the Codes Enforcement Officer.

**A. Public Safety Signs**

Governmental bodies may erect and maintain signs necessary for the public safety and welfare, or as required by law, ordinance or government regulation.

**B. Banners**

Town Council permission is required to raise a banner over a Town-owned public right-of-way and the Town Council or its designee may restrict where and when such banners may be displayed.

~~C. Nonprofit Organization Fundraising Signs~~

~~Nonprofit organization fundraising signs, when recommended by the Town Manager and approved by the Town Council or its designee, shall be permitted at locations on public and private property, subject to the following:~~

**Comment [AB201]:** Revision needed (Reed v. Gilbert)

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.6 Special Requirements Signs

- ~~(1) The sign shall be a freestanding sign, with an area not exceeding 24 square feet.~~
- ~~(2) The height of such sign shall not be greater than six (6) feet.~~
- ~~(3) The sign shall not be illuminated.~~
- ~~(4) The sign shall be removed one (1) week after the fund raising event has ended.~~

**D.C. Official Business Directional Signs**

An Official Business Directional Sign visible from a public way may be erected or maintained in the Town of Brunswick in accordance with the following standards and with applicable provisions of the Maine Traveler Information Services Act (23 M.R.S.A. § 1901-1925) and any related regulations of the Maine Department of Transportation (MDOT), not inconsistent with the provisions of this Section 4.13.

**(1) Qualifying Uses**

The following uses are qualifying uses:

- a. Public and private schools and colleges.
- b. Airports.
- c. Cultural facilities and historic monuments.
- d. Recreational facilities.
- e. Municipal and other government facilities.
- f. Nonprofit organizations.
- g. Public accommodations and commercial businesses.
- h. Retail agricultural operation.

**(2) Number of Signs**

Not more than four (4) official business directional signs may be permitted per each qualified use.

**(3) Placement of Signs**

Official Business Directional Signs may not be installed on a State-Aid highway/road frontage, a Bath Road frontage, in the GM6 District, the Village Review Overlay District, or the Maine Street or Park Row right-of-way.

**(4) Additional Requirements**

The following additional requirements shall apply to Official Business Directional Signs:

- a. The minimum distance between Official Business Directional Sign posts shall be at least 300 feet as measured along the shortest straight line.
- b. No Official Business Directional Sign shall be placed closer than 200 feet from the property line of a commercial business offering directly competing goods or services.
- c. An Official Business Directional Sign shall be located no closer than 200 feet, nor further than 2,500 feet, from an intersection where a change in direction as indicated on said sign is required.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property owner

Section 4.14 Performance Standards

Subsection 4.14.1 Operation of Uses and Development

- d. No more than three (3) Official Business Directional Signs may be attached to an individual sign post assembly. No new sign post assembly shall be installed until existing sign post assemblies suitable for any newly proposed Official Business Directional Sign contain the maximum number of permitted signs.

(5) **Permitting and approval process**

Any entity wishing to erect an Official Business Directional Sign shall make application with the Maine Department of Transportation on an application form provided by MDOT. Prior to submittal to the MDOT for final review, the application will require the signature of the Brunswick Codes Enforcement Officer certifying compliance with the Town's Zoning Ordinance and the approval of the Town's Police and Public Works Departments.

**4.14 Performance Standards**

**4.14.1. Operation of Uses and Development**

**A. General Standard**

Unless otherwise pre-empted by federal or state law, the following standards shall apply to all development activities and uses regulated by this Ordinance, and shall be enforced by the Codes Enforcement Officer.

**B. Specific Standard:**

- (1) The general standard in Subsection 4.14.1.A above shall be enforced by the Codes Enforcement Officer.
- (2) All construction, drilling, or demolition work shall be conducted between 7:00 am and 7:00 pm except when prior written approval has been obtained from the Codes Enforcement Officer. The Codes Enforcement Officer shall only grant approval for work after hours in the case of special circumstances, and such approval shall not be granted on a regular basis.
- ~~(3) Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work is prohibited on Sundays and days which the following holidays are observed: New Years, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas.~~

**Comment [AB202]:** Moved from Noise subsection since applies generally

**Comment [AB203]:** Removed by ZORC 9/26/16

**C. Specific Standard: Noise**

- (1) The following activities are exempt from the requirements of this section: parades, farming, forestry, emergency signals, watercraft, aircraft and automobile traffic.
- (2) The equivalent sound level measured in dBA (decibels-day/night average) resulting from any activity shall not exceed at any point on or beyond the lot line the maximum levels as set forth in the following table:

Table 4.14.1.B: Maximum Equivalent Sound Level Measured in dBA <sup>[1],[2]</sup>		
Districts	Day	Night

Chapter 1 - General Provisions  
Section 1.7 Definitions and Rules of Construction  
Subsection 1.7.2 Definitions

**Service Business, Class 2:** A business 2,000 square feet in gross floor area or greater where the principal use is the provision of personal services, including but not limited to: barber shops, beauty salons, shoe repair shops, tailors, mail services, and laundries.

**Setback -- In Non-Shoreland Area:** The minimum horizontal distance between the front, side or rear lot line and the nearest point of the building, including decks or any covered projections thereof, on the lot.

**Setback — In Shoreland Area:** In a shoreland area, the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space, or other regulated object or area.

**Shoreland Area:** The Shoreland Protection Overlay (SPO) District.

**Shoreline:** The normal high-water line of, or upland edge of, a freshwater or coastal wetland.

**Sign:** Any object, device, or structure, or part thereof, situated outdoors or displayed in a window, freestanding or attached to a structure or registered motor vehicle, that is used to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, by means of words, letters, figures, design, symbol, advertising flags, fixtures, colors, illuminations, or projected images.

**Sign Face:** The portion of a sign that includes words, letters, figures, designs and background.

**Sign, Animation:** The usage of multiple frames running at a fast enough speed that the human eye perceives the content to be in continuous movement.

**Sign, Awning:** A covering that is (or appears to be) made of cloth or canvas and is either permanently attached to a building or can be raised or retracted or fixed to a position against the building when not in use.

**Sign, Banner:** A sign displayed on flexible lightweight material, enclosed or not enclosed in a rigid frame, extending from one side of the street to the other.

**Sign, Building Directory:** A wall-mounted sign that identifies the occupants of a building.

**Sign, Business:** A temporary freestanding sign used for the advertisement of specific products, daily specials, or services.

**Sign, Campus-Type:** Signs as permitted on large parcels of land developed in a campus-type environment with multiple buildings, including but not limited to medical centers, mill complexes, business parks, or public or private educational facilities.

**Sign, Canopy:** A sign that is part of, or attached to a structural protective cover over a drive thru or outdoor service area (not including an awning sign).

**Sign, Changeable Display:** A sign that utilizes computer generated displays or some other electronic means of changing copy. These signs include displays using LEDs, LCDs, or incandescent lamps.

**Sign, Contractor:** A temporary sign erected during the construction phase of a project only.

**Sign, Development:** A sign used to identify the name of a development.

**Sign, Directory Pole:** A pole sign that advertises more than one use or establishment on single parcels developed with multiple uses; or multiple uses located on four or fewer adjacent properties with shared access.

**Sign, Dissolve/Fade:** A mode of message transition on an electronic sign accomplished by varying the light intensity or pattern, where the first display gradually reduces intensity or appears to dissipate to the point of not being legible and the subsequent display gradually appears or increases intensity to the point of legibility.

Comment [AB32]: Added 9/22/16

Chapter 1 - General Provisions  
Section 1.7 Definitions and Rules of Construction  
Subsection 1.7.2 Definitions

**Sign, Easel:** A free-standing, moveable sign, usually shaped like a painter's easel stand, used onsite.

~~Sign, Farm Stand: A sign used to advertise a farm stand selling fruits, vegetables, or other agricultural crops and products.~~

~~Sign, Flashing Illuminated: A sign in which the light source, in whole or in part, physically changes in light intensity or gives the appearance of such change at less than a 5 second time interval. Time and temperature signs emanating white light are excluded from this definition.~~

~~Sign, Freestanding/Yard: A pole sign or monument sign. Any permanent or temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.~~

**Comment [AB33]:** Added 9/22/16

~~Sign, Household: A sign that display street numbers, last names, or personal names given to residential structures.~~

**Sign, Illuminated Directly:** A sign illuminated by a light source that is outside of the sign.

~~Sign, Illuminated, Flashing: A sign in which the light source, in whole or in part, physically changes in light intensity or gives the appearance of such change at less than a 5 second time interval. Time and temperature signs emanating white light are excluded from this definition.~~

**Sign, Internally Illuminated Internally:** A sign illuminated by a light source that is within the sign.

~~Sign, Illuminated, Tube: A sign illuminated by a light source supplied by a tube that is not concealed and is filled with gasses, forming letters, symbols or other shapes. Also known as neon signs.~~

**Comment [AB34]:** Moved from Illumination subsection 9/29/16

**Sign, Monument:** A sign mounted directly on the ground.

~~Sign, Moving: A sign which in part or in total rotates, revolves or otherwise is in motion.~~

**Comment [AB35]:** Added per ZORC request 9/28/16

~~Sign, Multiple-Driveway: A sign at the entrance or exit of a premise that has two (2) or more driveways.~~

~~Sign, Motor Vehicle: Any sign permanently or temporarily attached to or placed displayed on a registered motor vehicle in any manner so that the sign is used primarily as a stationary identification or advertisement sign, where the primary purpose is to advertise a product, service business, or other business-related activity.~~

**Comment [AB36]:** Replaces entrance/exit sign name. 9/28/16

~~Sign, Multi-tenant: A sign for a grouping of two (2) or more establishments that either share common parking on the lot where located or occupy a single structure or separate structures that are physically or functionally related or attached.~~

**Comment [AB37]:** Revised 9/22/16

~~Sign, Nameplate: Household: A sign that display street numbers, last names, or personal names given to residential the owner or occupant of structures.~~

**Comment [AB38]:** To replace directory sign name. 9/28/16

~~Sign, Official Business Directional: An off-premise sign erected and maintained by the Maine Department of Transportation in accordance with the Maine Traveler Informational Services Act, 23 M.R.S.A. § 1901-1925, and this Ordinance, that identifies and points the way to public accommodations and facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational, and religious interest.~~

**Comment [AB39]:** Added to replace household sign 9/28/16

~~Sign, Off-Premise Advertising: A sign that advertises identifies an establishment business or their business's products, services, or activities not sold, distributed, or carried out on the premises.~~

~~Sign, On-Premise Directional: A sign used to provide direction to entrances and exits from parking or pedestrian areas.~~

**Comment [AB40]:** Replaced with Multiple Driveway sign 9/28/16

**Sign, Pole:** A sign attached to a pole or poles erected directly into the ground.

**Sign, Political Campaign:** A temporary sign bearing messages relating to an election, primary, or referendum.

Chapter 1 - General Provisions  
Section 1.7 Definitions and Rules of Construction  
Subsection 1.7.2 Definitions

**Sign, Portable:** A sign designed for and intended to be moved from place to place, on wheels or legs, and not ~~be~~ permanently affixed to land, buildings, or other structures. Portable signs shall include portable reader boards and other similar signs.

**Comment [AB40]:** Revised per ZORC discussion 9/28/16

**Sign, Projecting:** A sign attached to a wall at a right angle.

~~Sign, Real Estate: A temporary sign advertising the lease or sale of land, space, or structure.~~

**Comment [AB41]:** Deleted. Now freestanding/yard sign.

**Sign, Roll:** A mode of message transition on a Changeable Message Sign wherever the message appears to move horizontally across the display surface.

**Sign, Roof:** A sign mounted to the roof of a building or wall mounted signs projecting above the roof line. Signs mounted on the face of a mansard roof are not considered roof signs, but as wall signs.

~~Sign, Sandwich: A free-standing sign which is ordinarily in the shape of an "A" or some variation thereof, readily moveable, and is not permanent attached to the ground or any structure, moveable sign, usually shaped like an "A", used to advertise specific products, daily specials, or special events.~~

**Comment [AB42]:** Revised 9/22/16

**Sign, Scroll:** A mode of display transition on a Changeable Display Sign where the display appears to move vertically across the display surface.

~~Sign, Special Events or Notice: A temporary sign—such as a banner, pennant, or poster,—that is mounted onto a building structure to announce special events or notices and; are limited to the property of which the special event is located.~~

**Comment [AB43]:** Revised 9/22/16

~~Sign, Temporary Business: A temporary sign such as a sandwich sign, easel sign, and other similar signs intended to advertise specific products, daily specials, or services.~~

**Comment [AB44]:** Deleted 9/22/16

Sign, Temporary: A portable sign or any sign not permanently embedded in the ground or affixed to a building or permanent sign structure.

**Comment [AB45]:** Staff addition 9/22/16

Sign, Temporary Flag: A temporary sign made of fabric or other similar non-rigid material supported or anchored along one edge or supported or anchored at only two (2) corners. If any dimension of the flag is more than three (3) times as long as any other dimension, it is classified and regulated as a wind/feather sign, regardless of how it is anchored or supported.

**Comment [AB46]:** F or ZORC discussion 9/28/16

Sign, Temporary Wind or Feather: A temporary sign that is not considered a flag sign as defined, constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and is supported by a single vertical pole mounted on a structure or in the ground.

**Comment [AB47]:** F or ZORC discussion 9/28/16.

**Sign, Transition:** A visual effect used on a Changeable Display Sign to change from one message to another.

**Sign, Video:** A Changeable Display Sign that displays motion or pictorial imagery, including a display from a "live" source.

**Sign, Wall:** A sign applied, painted, or affixed flush to the exterior of a structure.

**Site Feature:** An element of site design other than the characteristics of the lot itself, the uses on the lot, the structures on the lot, or signs on the lot, such as landscaping, or lighting fixtures.

**Small Wind Energy System (SWES):** A wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for public resale.

**Solid Waste:** Unwanted or discarded material with insufficient liquid content to be free-flowing including, but not limited to, rubbish, garbage, scrap, junk, refuse, inert fill, and landscape refuse, excluding septic tank sludge and agricultural and aquaculture waste.

**Start of Construction:**

- (1) For purposes of the floodplain management regulations for the FPO District, the date the flood hazard development permit was issued, provided the actual start of construction,

Chapter 1 - General Provisions  
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Subsection 1.7.2 Definitions

**Sign, Political Campaign:** A temporary sign bearing messages relating to an election, primary, or referendum.

**Sign, Portable:** A sign designed for and intended to be moved from place to place, on wheels or legs, and not ~~be~~ permanently affixed to land, buildings, or other structures. Portable signs shall include portable reader boards and other similar signs.

**Comment [AB40]:** Revised per ZORC discussion 9/28/16

**Sign, Projecting:** A sign attached to a wall at a right angle.

~~Sign, Real Estate: A temporary sign advertising the lease or sale of land, space, or structure.~~

**Comment [AB41]:** Deleted. Now freestanding/yard sign.

**Sign, Roll:** A mode of message transition on a Changeable Message Sign wherever the message appears to move horizontally across the display surface.

**Sign, Roof:** A sign mounted to the roof of a building or wall mounted signs projecting above the roof line. Signs mounted on the face of a mansard roof are not considered roof signs, but as wall signs.

**Sign, Sandwich:** A free-standing sign which is ordinarily in the shape of an "A" or some variation thereof, readily moveable, and is not permanent attached to the ground or any structure, moveable sign, usually shaped like an "A", used to advertise specific products, daily specials, or special events.

**Comment [AB42]:** Revised 9/22/16

**Sign, Scroll:** A mode of display transition on a Changeable Display Sign where the display appears to move vertically across the display surface.

**Sign, Special Events or Notice:** A temporary sign—such as a banner, pennant, or poster,—that is mounted onto a building structure to announce special events ~~or notices~~ and; are limited to the property of which the special event is located.

**Comment [AB43]:** Revised 9/22/16

~~Sign, Temporary Business: A temporary sign such as a sandwich sign, easel sign, and other similar signs intended to advertise specific products, daily specials, or services.~~

**Comment [AB44]:** Deleted 9/22/16

**Sign, Temporary:** A portable sign or any sign not permanently embedded in the ground or affixed to a building or permanent sign structure.

**Comment [AB45]:** Staff addition 9/22/16

**Sign, Temporary Flag:** A temporary sign made of fabric or other similar non-rigid material supported or anchored along one edge or supported or anchored at only two (2) corners, if any dimension of the flag is more than three (3) times as long as any other dimension, it is classified and regulated as a wind/feather sign, regardless of how it is anchored or supported.

**Comment [AB46]:** F or ZORC discussion 9/28/16

**Sign, Temporary Wind or Feather:** A temporary sign that is not considered a flag sign as defined, constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and is supported by a single vertical pole mounted on a structure or in the ground.

**Comment [AB47]:** F or ZORC discussion 9/28/16.

**Sign, Transition:** A visual effect used on a Changeable Display Sign to change from one message to another.

**Sign, Video:** A Changeable Display Sign that displays motion or pictorial imagery, including a display from a "live" source.

**Sign, Wall:** A sign applied, painted, or affixed flush to the exterior of a structure.

**Site Feature:** An element of site design other than the characteristics of the lot itself, the uses on the lot, the structures on the lot, or signs on the lot, such as landscaping, or lighting fixtures.

**Small Wind Energy System (SWES):** A wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for public resale.

**Solid Waste:** Unwanted or discarded material with insufficient liquid content to be free-flowing including, but not limited to, rubbish, garbage, scrap, junk, refuse, inert fill, and landscape refuse, excluding septic tank sludge and agricultural and aquaculture waste.

**Start of Construction:**

## Appendix D - Summary of Application Requirements

		Sketch Plan	Final Plan	Streamlined	Common Development Plan	Conditional Use or Special Permit
General	Application form and fee	X	X	X	X	X
	Name of development	X	X	X	X	X
	Existing zoning district and overlay designations	X	X	X	X	X
	Location map	X	X	X	X	X
	Names of current owner(s) of subject parcel and abutting parcels		X	X	X	X
	Names of engineer and surveyor; and professional registration numbers of those who prepared the plan		X	X	X	X
	Location of features, natural and artificial, such as water bodies, wetlands, streams, important habitats, vegetation, railroads, ditches and buildings	X	X	X	X	X
	Documentation of Right, Title and Interest	X	X	X	X	X
	Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners association declarations and by-laws, and such other agreements or documents as are necessary to show the manner in which common areas will be owned, maintained, and protected			X	X	X
Draft performance guarantee or conditional agreement			X	X	X	?
Survey, Topography, & Existing Conditions	Scale, date, north point, and area	X	X	X	X	X
	A survey submitted by a professional surveyor with a current license by the State of Maine Board of Licensure for Professional Surveyors		X	X	X	X
	Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments property identified as existing or proposed		X	X	X	
	Existing easements associated with the development	X	X	X	X	X
	Location of existing utilities; water, sewer, electrical lines, and profiles of underground facilities		X	X	X	
Survey, Topography, & Existing Conditions	Existing location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability		X	X	X	
	Topography with contour intervals of not more than two (2) feet		X	X	X	
	A <del>Class A (high intensity)</del> <u>Medium Intensity</u> Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists. <u>The Planning Board may require a Class A (high intensity) Soil Survey if issues of water quality, wetlands or other natural constraints are noted.</u>		X	X	X	
	Existing locations of sidewalks	X	X	X	X	
	A delineation of wetlands, floodplains, important habitats, and other environmentally sensitive areas		X	X	X	
	Approximate locations of dedicated public open space, areas	X	X	X	X	

Appendix D - Summary of Application Requirements  
Section C.4 Individually Listed Properties

		Sketch Plan	Final Plan	Streamlined	Common Development Plan	Conditional Use or Special Permit
	protected by conservation easements and recreation areas					
<b>Infrastructure - Proposed</b>	Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of one (1) inch = fifty ( 50) feet and vertical scale of one (1) = five (5) feet, with all evaluations referred to in U.S.G.S. datum		X	X	X	
	Proposed easements associated with the development		X	X	X	X
	Kind, location, profile and cross-section of all proposed drainage facilities, both within and connections to the proposed development, and a storm-water management plan in accordance with Section <b>Error! Reference source not found. (Error! Reference source not found.)</b>		X	X	X	
	Location of proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of private wells.		X	X	X	
	Proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability		X	X	X	
	Proposed locations, widths and profiles of sidewalks		X	X	X	
	Locations and dimensions of proposed vehicular and bicycle parking areas, including proposed shared parking arrangement if applicable.		X	X	X	X
<b>Infrastructure - Proposed</b>	Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization		X	X	X	
	Storm water management plan for the proposed project prepared by a professional engineer		X	X	X	
	The size and proposed location of water supply and sewage disposal systems		X	X	X	
	Where a septic system is to be used, evidence of soil suitability		X	X	X	X
	A statement from the General Manager of the Brunswick Sewer District as to conditions under which the Sewer District will provide public sewer and approval of the proposed sanitary sewer infrastructure		X	X	X	X
	A statement from the Fire Chief recommending the number, size and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken		X	X	X	X
	A statement from the General Manager of the Brunswick and Topsham Water District as to conditions under which public water will be provided and approval of the proposed water distribution infrastructure		X	X	X	X
<b>Proposed Development</b>	Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site		X	X	X	

Appendix D - Summary of Application Requirements  
Section C.4 Individually Listed Properties

		Sketch Plan	Final Plan	Streamlined	Common Development Plan	Conditional Use or Special Permit
	open spaces for conservation and recreation. Dedicated public open spaces, areas protected by conservation easements, and existing and proposed open spaces or recreation areas and potential connectivity to adjoining open space.					
	When applicable, a table indicating the maximum number of lots permitted based upon the applicable dimensional requirements, the number of lots proposed, and the number of lots permitted to be further subdivided.	X	X	X	X	X
	Building envelopes showing acceptable locations for principal and accessory structures, setbacks and impervious coverage		X	X	X	
Proposed Development Plan	Disclosure of any required permits or, if a permit has already been granted, a copy of that permit		X	X	X	X
	A statement from the General Manager of the Brunswick and Topsham Water District regarding the proposed development if located within an Aquifer Protection Zone		X	X	X	X
	A plan of all new construction, expansion and/or redevelopment of existing facilities, including type, size, footprint, floor layout, setback, elevation of first floor slab, storage and loading areas		X	X	X	X
	An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, signage and other features as may be required by specific design standards		X	X	X	
	A circulation plan describing all pedestrian and vehicle traffic flow on surrounding road systems		X	X	X	
	A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening, the size, locations and purpose and type of vegetation		X	X	X	X
	Number of lots if a subdivision	X	X	X	X	X
	A plan showing all ten (10) inch caliper trees to be removed as a result of the development proposal		X	X	X	
	All applicable materials necessary for the Review Authority to review the proposal in accordance with the criteria of Chapter 5.		X	X	X	X
	Any additional studies required by the Review Authority		X	X	X	X

The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property owner

Section 4.8 Circulation and Access  
Subsection 4.8.1 Street Standards

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## 4.8 Circulation and Access

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### 4.8.1. Street Standards

#### A. General Standard

The development will not cause unreasonable congestion or unsafe conditions on highways or public roads, either existing or proposed, and the traffic associated with the development shall maintain the existing level of service on any public road within 200 feet of any existing or proposed curb-cut.

**Comment [JE159]:** From current ordinance section 411.12 with slight revision for clarity. MAW

#### B. Specific Standards: Development of New Streets

- (1) Streets shall be designed to integrate with the site's topography and natural features and provide safe travel for all users of the street. Any new street or road approved through the Development Review process shall be based upon the written recommendations of the Town Engineer, Fire Chief, Police Chief, and Director of Planning and Development—who shall review the project for safety. Design of streets shall address pedestrian and bicycle safety and movement.
- (2) The size and design needs of new streets shall be based upon the anticipated multimodal users (vehicles, bicycles, pedestrians, transit) to be accommodated.
- (3) All new streets shall be classified in accordance with criteria set forth in the Brunswick Street Acceptance and Standards Ordinance, as amended.
- (4) All street designs shall comply with the ~~Maine Department of Transportation (DOT)~~ Town of Brunswick Complete Streets Policy, adopted August 15, 2016, dated June 2014, as amended. ~~To comply with this policy, all~~ All new private and public street projects ~~funded in part or in whole by Maine DOT~~ shall include designs and features to ensure that the street serves the needs all users, including motorists, transit users, bicyclists, and pedestrians of all abilities, as provided for within the Policy, warranted and feasible (as those terms are defined in the Policy).

**Comment [AB160]:** Revised based on ZORC discussion 4/25/16

#### C. Specific Standards: Street Design and Dedication Standards

Streets intended for public dedication shall be designed and constructed in accordance with the Brunswick Street Acceptance and Standards Ordinance, as amended. The Review Authority may approve private roadways for subdivisions; however if they do not conform with these standards they may not be considered for dedication. Applicants proposing private roadways shall apply the Alternative Roadway Standards contained in Appendix B (Street Standards).

**Comment [AB161]:** Revised to reference the new TOB Complete Streets Policy 9/29/16.

#### D. Specific Standards: Interconnectedness

- (1) **General:** The street design shall allow for proper continuation of streets from other adjacent subdivisions and built-up areas. Dead-ends are to be avoided unless based on site constraints and there are no other feasible alternatives. For purposes of this section, pedestrian or bicycle connections to adjacent lands may be sufficient to satisfy this requirement. This requirement may be waived in cases where interconnectedness would result in the disruption of community character.
- (2) **GC1 and GC2 Connectivity Restriction:** Development Review approvals in the GC1 and GC2 zoning districts shall not result in the construction of new streets or access for vehicles connecting to Meadowbrook Road, Whittier Street, Breckan Road, Atwood Lane, Bowdoin Street or Berry Street. No new

combined to the extent necessary to meet the dimensional requirements. This provision shall not apply to two or more contiguous lots in common ownership on the effective date of this Ordinance and recorded separately in the Cumberland County Registry of Deeds, and where at least one of the lots is nonconforming, if the nonconforming lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and (a) each lot contains at least 20,000 square feet of lot area; or (b) any lots that do not meet the lot width and lot area requirements of the base zoning district and any overlay districts are reconfigured or combined so that each new lot contains at least 20,000 square feet or lot area.

**Comment [AB2]:** Added by Jeff in 12/2  
handout.

**F. Development and Use of Contiguous Lots in Common Ownership, only One Lot Nonconforming, Outside Subdivision**

**(1) Conforming Lot Developed, Nonconforming Lot Undeveloped**

**a. Outside and Inside of SPO**

A single, undeveloped, nonconforming lot which does not individually meet the dimensional requirements of this Ordinance and is contiguous with a developed conforming lot held in common ownership at the time of adoption of this Ordinance shall be combined with the developed lot. This provision shall not apply if the contiguous lots are held in common ownership on the effective date of this Ordinance and are recorded separately in the Cumberland County Registry of Deeds, and where the single, unimproved, nonconforming lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and contains at least 20,000 square feet of lot area.

**(2) Nonconforming Lot Developed, Conforming Lot Undeveloped**

**a. Outside and Inside SPO**

A single, developed, nonconforming lot which does not individually meet the dimensional requirements of this Ordinance on which a principal use or structure exists and is contiguous with an undeveloped conforming lot held in common ownership at the time of adoption of the Ordinance and is recorded separately in the Cumberland County Registry of Deeds, may continue to be used as if it were a conforming lot provided that any change or expansion of the existing use or structure shall comply with all applicable dimensional and density regulations of the base or overlay district, except lot width or area.

**1.6.3. Nonconforming Uses**

The following standards apply both inside and outside the SPO District.

**A. Continuance**

A nonconforming use may be continued even though it does not conform to the use standards for the base zoning district (and any overlay district) in which it is located. A nonconforming use that is discontinued (a) for 12 consecutive months in the last 36 months or more outside the APO, SPO, FPO, and WPO Districts, or (b) for 3 consecutive months in the last 12 months or more within the APO, SPO, FPO, or WPO Districts, may not be re-established except in compliance with the current requirements of this Ordinance.

**Comment [AB3]:** For  
ZORC discussion  
9/29/16

**A. Building Permit and Certificate of Occupancy**

- (1) No building or other structure subject to the Maine Uniform Building and Energy Code adopted by the Town shall be erected, moved, added to or structurally altered without first obtaining a Building Permit. No Building Permit shall be issued except in conformity with the provisions of this Ordinance and all other applicable ordinances of the Town and any conditions imposed pursuant to those ordinances. In the Growth Mixed Use 4 (GM4) district or Village Review Overlay Zone, a Building Permit shall not be issued unless the proposed building or renovations to an existing building comply with the Cook's Corner Design Standards or Village Review Zone Design Guidelines, as applicable. A Building Permit secured under the provisions of this Ordinance shall expire if the work or change is not begun within one (1) year of the date the permit is granted, and if the work or change is not completed within two (2) years of the date on which the permit is granted. All Building Permits heretofore issued shall be subject to the provisions of this paragraph.
- (2) All applications for Building Permits for the erection or enlargement of any new or existing building shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the sizes and locations on the lot of buildings already existing, if any, the location and dimensions of the proposed building or alteration, and the proposed sewage disposal system as required by the Maine State Plumbing Code. The application shall include such other information as may be required by the Codes Enforcement Officer to determine conformance with and to provide for the enforcement of this Ordinance. The Codes Enforcement Officer shall maintain a public record of all Building Permits issued.
- (3) Upon completion of the work permitted by the Building Permit, the Codes Enforcement Officer shall issue the Certificate of Occupancy upon finding that the building, structure or land and the use or occupancy thereof comply with the provisions of this Ordinance, with all conditions of any development review approval by the Review Authority. The Codes Enforcement Officer shall maintain a public record of all Certificates of Occupancy which are issued.
- (4) It shall be unlawful to ~~use or occupy~~, or permit the use or occupancy of any ~~land, building, structure or part thereof~~ that is created, erected, changed, converted, altered or enlarged, or to change, alter, or enlarge the ~~use of any land, building, or structure~~ without first obtaining a Certificate of Occupancy endorsed to the effect that the proposed use of the ~~land, building or structure~~ conforms with the requirements of this Ordinance.

Comment [AB216]: Added

Comment [AB217]: Do not require as stated.

Comment [AB218]: Revised based on Planning Board comments 9/29/16

Comment [AB219]: Don't have an expansion of use permit.

Comment [AB220]: For ZORC discussion 9/29/16

**B. Change of Use Permit**

**(1) Change of Use Defined**

Change of Use is a change from one use to another use of any structure or portion thereof that is permitted in the base zoning district (and overlay zoning district, if applicable) where the property is located. A change within the same category of permitted use (for example a change from one restaurant to another, or a change from one retail store to another) shall not be considered to be a Change of Use. A change in use from a vacant structure to an occupied structure shall be considered a Change of Use, unless the use is a resumption of a prior use. For the purposes of this section, the prior use includes the last occupied use of the vacant structure for at least a six (6) month time period; provided that such use has primarily occurred for a time period of not less than 12 consecutive months during the prior three (3) years.

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