

Bradford Land Use Ordinance

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Article 100 Title and Purpose

This Ordinance shall be known and may be cited as the Land Use Ordinance of the Town of Bradford, Maine and will be referred to herein as this "Ordinance". It is enacted by the voters of the Town of Bradford to protect public health, safety, welfare; provide for efficiency of public service; prevent and control pollution; provide for orderly development; and preserve the Town's scenic beauty and rural character.

Article 200 Authority and Administration

210 Authority

This Ordinance is enacted under authority granted to the Town by the constitution and the statutes of the State of Maine.

220 Administration

The Planning Board, Board of Selectmen, and the Code Enforcement Officer (as specified in this Ordinance) shall administer this Ordinance.

230 Effective Date

The effective date of this Ordinance shall be the day it is adopted by vote of the legislative body of the Town of Bradford.

Article 300 Applicability

This Ordinance shall apply to all buildings or structures hereinafter erected, reconstructed, enlarged, or moved, and all uses of premises created within the Town of Bradford.

Lots prior to the effective date of this ordinance, as evidenced by a deed recorded in the Penobscot County Registry of Deeds are exempt from the minimum lot size requirements of this ordinance. Such lots, however, are subject to the Minimum Lot Size Ordinance of the Town of Bradford in effect at the time the lot was created.

No lot may be reduced in size in any way that would cause it to become nonconforming or would increase its non-conformity to the requirements of this ordinance.

Article 400 Severability

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

Article 500 Conflict with Other Ordinances

This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings, or structures, the provisions of this Ordinance shall prevail.

Article 600 Repeal of Conflicting Ordinances

The Minimum Lot Size Ordinance of the Town of Bradford, Maine, adopted March 17, 2001, and the Town of Bradford Safety Inspection Ordinance for Mobile Homes, adopted 09/02/04, the Building Permit Ordinance adopted March 19, 1987, and all amendments thereto, are hereby repealed. Provided, however, that the repeal of said Ordinances shall not preclude the prosecution of any violations thereof that occurred on or before the effective date of repeal.

Article 700 Amendment

The procedure to be followed in initiating and securing amendments to this Ordinance is as follows:

710 Initiation

A proposal to amend this Ordinance may be initiated by:

- The Planning Board, by majority vote;
- The Board of Selectmen, through a request to the Planning Board;
- The Public, through a written petition signed by at least ten percent of the number of voters in the last gubernatorial election and registered to vote in the Town of Bradford.

720 Review

The process to be followed in adopting an amendment to this Ordinance is as follows:

- A. Proposed amendments must first be submitted to the Planning Board for their consideration.
- B. The Planning Board and Board of Selectmen shall, within thirty (30) days of receiving a proposed amendment, set a date to hold a joint public hearing on the proposed amendment.
- C. Notice of the public hearing shall be posted in the Municipal Office at least fourteen (14) days before the hearing. Notice shall also be published at least twice in a newspaper that complies with 1 M.R.S.A. § 601 and has a general circulation in town. The date of the first publication must be at least fourteen (14) days before the hearing and the date of the second publication must be at least seven (7) days before the hearing. This notice shall contain a brief description of the nature of the proposed amendment.
- D. After the Planning Board votes to either support or oppose a proposed amendment, that proposed amendment shall be placed on the warrant for the Town Meeting next following the public hearing.
- E. The Planning Board shall report its official findings and conclusions in support or opposition report at the next Town Meeting following the public hearing.

730 Enactment

A majority of the voters present and voting at the Town Meeting shall be required to enact the amendment(s).

740 *Effective Date*

The provisions of this Ordinance and any amendments thereto shall become effective on the day of their enactment.

Article 800 Filing

A copy of this Ordinance and any amendments hereto shall be filed with the Town Clerk and shall be accessible to any member of the public.

Article 900 Non-conformity

910 Non-conformity Defined

A legally existing (grandfathered) non-conforming lot, structure, sign, or use that lawfully existed immediately prior to the enactment of this Ordinance, or any subsequent applicable amendment hereto, and which, as a result of the enactment or subsequent amendment, fails to comply with any of the requirements of this Ordinance.

920 General Provisions

The following provisions apply to non-conformities generally:

A. Normal Repair and Maintenance

The normal upkeep and maintenance of non-conforming structures, including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as Federal, State, or local building and safety codes may require are permitted.

B. Transfer of Ownership

Any legal non-conformity may be transferred and the new owner may, subject strictly to the requirements of this Section, continue such non-conformity provided, however, that nothing contained herein shall be construed to permit any person or entity to occupy or use any lot or structure or to continue any use in violation of any other Federal, State, or Municipal statute, ordinance, or regulation.

C. Burden of Proof Related to Establishing Legal Non-Conformity

The burden of proof establishing that any non-conformity is a legal non-conformity shall, in all cases, be upon the owner of such non-conformity and not upon the Town of Bradford.

D. Conversion To Conformity Encouraged

All non-conformities shall be encouraged to convert to conformity whenever possible and, when required by this Ordinance, shall convert to conformity.

E. Reversion to Non-Conformity Prohibited

Once converted to conformity, no lot, structure, or use shall revert to non-conformity.

930 Non-Conforming Structures

The following provision shall apply to non-conforming structures:

A. Expansion of Non-Conforming Structures

A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority identified in Section 1000 as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs 1. and 2. below.

1. In no case shall a structure be expanded to increase its non-conformity; therefore, the structure cannot be expanded in the direction of a property line in which it fails to meet the minimum setback.
2. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:
 - a. The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the planning board or its designee, basing its decision on the criteria specified in **Subsection B. Relocation of Non-Conforming Structures**, below:
 - b. The completed foundation does not extend beyond the exterior dimensions of the structure.

B. Relocation of Non-Conforming Structures

A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the Applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the system to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider size of the lot, clearing needed, slope of the land, relationship to roadway entrances, potential for soil erosion, location of the septic system, and other on-site soils suitable for septic systems.

C. Reconstruction or Replacement of Non-Conforming Structures

Any non-conforming structure which fails to meet the dimensional requirements of Sub-section 1210C, and which is damaged, destroyed, or removed, by more than fifty percent (50%) of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced within one (1) year of the date of said damage, destruction, or removal, provided that such reconstruction or replacement is in compliance with the setback requirements to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any nonconforming structure which is damaged or destroyed by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and

repairs, may be repaired or reconstructed in place within one (1) year of such damage or destruction, with a permit from the Code Enforcement Officer.

In determining whether the structure reconstruction or replacement meets setbacks to the greatest practical extent, the Planning Board shall consider the type of foundation present, if any, and the considerations contained in Sub-section 930B, second paragraph. It is not the intent of this Sub-section to require the destruction of functional concrete or block foundations in order to meet setback requirements.

940 Existing Non-conforming Mobile Homes

Notwithstanding any other provision of this Ordinance, the lawful use of a mobile home as a single-family dwelling and not certified pursuant to M.R.S.A. 30-A 4358, which legally existed on the date of the enactment of this Ordinance, may be continued, except that the mobile home shall not be:

Rebuilt, altered, or repaired after being damaged in excess of fifty percent (50%) of its assessed value at the time of destruction as determined by the Code Enforcement Officer. The damaged home must be removed within sixty (60) days.

Any mobile home lawfully used as a single-family dwelling may be improved by the addition of a foundation or by other new construction, alteration, or repair, subject to the requirements of any applicable building code or other law, and subject to the other provisions of this Ordinance including performance standards in Section 1200 and 1300.

950 Non-conforming Uses

The following provisions shall apply to non-conforming uses:

A. Expansion

Expansion of non-conforming uses is prohibited.

B. Resumption Prohibited

A lot, building, or structure in or on which a non-conforming use ceases to be actively pursued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use.

C. Change of Use

An existing non-conforming use may not be changed to another non-conforming use.

960 Non-conforming Lots

A. Non-conforming Lots

A single parcel of land, the legal description or dimensions of which are recorded on a document or map on file at the Penobscot County Registry of Deeds at the effective date of this Ordinance or any amendment, and which, as a result of the enactment or respective amendment of this Ordinance, does not meet the lot area, road frontage, 200x200 area requirements may be built upon or conveyed without the need for a variance, subject to the following:

1. Such building or construction shall, in all other respects, comply with the provisions of this Ordinance.
2. No permit shall be granted until the owner demonstrates to the satisfaction of the Code Enforcement Officer that there is or will be reasonable access to the site for emergency vehicles.
3. Such lots shall be limited to single-family dwellings and accessory structures.
4. Variances relating to setback or other requirements not involving lot size, road frontage, or the 200x200 area requirement shall be obtained by action of the Board of Appeals.

B. Contiguous Built Lots

If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that they conform to all other provisions of this Ordinance and they meet the dimensional requirements to the greatest extent possible as determined by the Planning Board.

Article 1000 Permits Required

Depending on the type of activity planned to be undertaken, a permit from the CEO or Planning Board approval may be required.

No building, structure, or use for which Planning Board approval and/or CEO permit is required shall be constructed until and unless Planning Board approval and/or CEO permit has been obtained from the Code Enforcement Officer.

No building or structure for which a Planning Board approval and/or CEO permit is required shall be inhabited or used until the requirements of Section 1030 have been met.

NOTE: Even if no permit is required, compliance with all standards in this Ordinance is still mandatory.

1005 Table of Permitting Responsibilities and Requirements

<i>No Permit Required</i>	<i>CEO Permit Required</i>	<i>Planning Board Permit & CEO Permit Required</i>
Filling and grading less than 1000 cu. Yards.	Filling and grading between 1000 cu. yards and up.	
Residential accessory structures up to 100 sq. ft.	Residential accessory structures over 100 sq. ft.	

Maintenance and repair of Town facilities and roads	Expansion at commercial establishments up to 200 sq. ft.	Expansion over 200 sq. ft. at commercial establishments and public developments
Fences and boundary walls	Single Family Residential & duplex construction	Multi- unit housing or Mobile Home Park
Activities not listed for CEO or Planning Board approval	Barns and associated structures for agricultural purposes	Change in use on non-conforming lots
Normal upkeep and maintenance including repair or renovations which do not involve expansion	Reconstruction of a building damaged by more than 50%.	Any new business, commercial or public development
	Relocating or locating 1 or 2 buildings on to a lot Removal or demolition or relocation on same lot (unless building is non-conforming)	Three or more principal structures on a single lot.
	Accessory Dwelling Units	
	One (1) Additional Dwelling Unit	Two (2) or more Additional Dwelling Units
		Affordable Housing Development

1010 Fees

A. No permit shall be issued without payment of a fee according to the following schedule:

- CEO Permit for Residential and Commercial activities:

Free standing structures less than 100 square feet - no fee

Improvements to existing structures measuring less than 100 square feet require a \$15 administrative fee

Structures between 100 and 350 per square feet require a \$25 administrative fee

Utility structure (Sheds, Pole Barns, Garages, Chicken coops, etc.) in excess of 350 square feet require \$.05 per square foot plus a \$25 administrative fee.

Residential Structure (containing a full complement of plumbing, electrical, heating facilities, etc) in excess of 350 square feet require \$.10 per square foot plus a \$25 administrative fee.

Commercial Structure \$.20 per square foot plus a \$25 administrative fee regardless of size.

Note: See 1010 Table for situations requiring permits

Other fees

- 1) Planning Board Review: \$25.00
- 2) Occupancy/Use Permits: Free
- 3) Entrance Permit: Free
- 4) Demolition Permit \$10.00
- 5) Conditional Permit \$25.00

- B. CEO permit, after expiration, **must be** renewed at the original fee schedule rate.
- C. Additionally, a late fee equivalent to the permit fee will be required in the event a Building permit is not first obtained prior to the start of construction.
- D. Any person who fails to keep a scheduled appointment for an inspection shall be required to pay an additional permit fee equal to that previously paid. Cancellation of an appointment may be made within five (5) hours of scheduled appointment without penalty.
- E. No inspection shall be made and no permit shall be issued until the permit fees are paid in full.
- F. For those projects requiring a Planning Board approval, no permit shall be issued until said approval has been obtained.

1020 Procedure

A. Filing an Application for a Permit

Any person requiring a CEO Permit shall file an application with the Code Enforcement Officer. Within seven (7) days of the filing of an application for a CEO Permit, the Code Enforcement Officer shall act on the application. The Code Enforcement Officer shall determine whether Planning Board approval is required:

- If Planning Board approval is required, the Code Enforcement Officer shall so inform the Applicant, in writing, and shall inform the Applicant of the procedures for Planning Board approval.
- If Planning Board approval is not required, the Code Enforcement Officer shall review the application to determine whether it meets all relevant performance standards in Section 1200 and 1300-Performance Standards of this Ordinance. If all performance standards are met, the Code Enforcement Officer shall issue the permit. If all relevant standards are not met, the Code Enforcement Officer shall deny the permit and inform the Applicant, in writing, of the reasons for denying the permit.

B. Issuance of Permit

No CEO permit for a building or structure on any lot shall be issued except to the owner of record thereof, or his authorized agent, in writing.

C. Application Attachments

The Code Enforcement Officer shall require that any application for such permit shall be accompanied by a plot plan, *drawn to scale with reasonable accuracy*, showing the actual shape and dimensions of the lot to be built upon, an on-site soils survey as appropriate to the proposed development, *the location and size (with reasonable accuracy) of all buildings or structures already on the lot*, the location of the new building to be constructed together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure, and such other information as may be necessary to provide for the execution and enforcement of this Ordinance.

D. Application Records

The Code Enforcement Officer shall maintain applications for permits with their accompanying plans and building permits as a permanent record.

E. Permit Expiration

CEO permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within six (6) months of the date on which the permit is granted, or if the work or change is not substantially (**see definition in glossary) completed within two (2) years of the date on which the permit is granted. The Code Enforcement Officer may grant an extension to the foregoing deadlines for a period not to exceed six (6) months. The Board of Selectmen, in its sole discretion, may grant additional extensions **if** good cause is shown.

F. Plumbing Permit Required

No Building permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless the Applicant or his authorized agent in conformance with the Plumbing Code of the State of Maine has secured a valid Plumbing permit.

1030 Occupancy/Use Permit

A certificate of Occupancy/Use certifying that all applicable provisions of this Ordinance have been satisfied shall be obtained from the CEO.

- A. After the Applicant notifies the CEO that the work specified by Planning Board Approval and/or CEO Permit has been completed:
 - 1. Inspections on residential structures or commercial structures open to the public are to be performed by the CEO within **seven (7)** business days of notification.
 - 2. A permit issued for a use other than that specified in Section 1030A.1. shall be approved or denied for occupancy or use within **seven (7)** business days of notification. Otherwise, the Applicant may use or occupy the land or structures referenced in the Permit.

- B. An Occupancy Permit will be approved for rental units by Bradford's CEO if:

1. The Bradford Code Enforcement Officer determines that the rental dwelling is structurally sound in accordance with the standards of the Bradford Building Ordinance.
2. Occupancy without an Occupancy Permit shall be in violation of this Ordinance. In addition, violations of state and local plumbing, electrical, fire and other safety codes, structural inadequacy, or presence of a nuisance may result in the revocation of the Occupancy Permit, as well as further legal action including condemnation and eviction.

1040 Entrance Permit

- A. Before a driveway is placed onto a town road, an entrance permit must be obtained from the CEO.
- B. The CEO will do the following before issuing a permit:
 1. Check with the Road Commissioner or Agent to determine the size of the culvert needed and if the proposed culvert is new or in good condition.
 2. That the proposed location of the driveway conforms to the provisions of this Ordinance.

Article 1100 Planning Board Approval

1110 Purpose

These Planning Board approval regulations are established to promote the public health, safety, and general welfare by requiring plans to be submitted to and reviewed by the Planning Board for certain uses which have a potential for significant impact on a neighborhood, but which when properly designed with respect to their surroundings can be acceptable uses in the neighborhood. The overall purpose of such a review shall be to ensure orderly and beneficial development of the Town of Bradford and to encourage the most appropriate use of the land.

1120 Applicability

The Planning Board shall review and make recommendations concerning all plans for non-residential units and mobile/tiny home parks whether or not such development includes a subdivision or re-subdivision of a site.

1130 Application and Review Procedures

A. Pre-application Meeting With CEO

CEO will explain the permit review process to the Applicant and review a copy of the proposed application. The CEO may inform the Applicant of the general completeness of the application.

B. Copies of Applications

Persons seeking a Planning Board approval shall submit five (5) copies of an application, with all the information required in Section 1132 of this Ordinance, to

the Planning Board at least fourteen (14) days before a regularly scheduled meeting of the Planning Board.

C. Verification

The CEO, Town Clerk, or agent shall issue the Applicant a dated receipt for the application and application fee. The CEO shall verify that the abutter notification forms are complete (see item E Section 1132) and in a pre-addressed stamped envelope. The CEO or Town staff shall mail these within five (5) business days.

D. Determination of Complete Application

Within thirty-five (35) days of the filing of an application for Planning Board approval, the Planning Board shall determine if the application is complete. The Planning Board shall notify the Applicant, in writing, either that the application is a complete application or, if the application is incomplete, the additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed, it shall begin its full evaluation of the proposed site plan.

E. Public Hearing

The Planning Board shall hold a public hearing on the application, such hearing to be held between the Planning Board's meeting that determines that the application is complete and the Planning Board's meeting that reviews the application and takes action. The Town shall advertise the hearing, at least seven (7) days prior to the hearing. Notices shall be posted in the same location as Selectmen's Warrants. The purpose of the public hearing shall be to receive input from the general public relative to the elements listed in Section 1140 — *Standards for Governing Site Plan Review*.

F. Planning Board Review and Action

Within thirty-five (35) days after Planning Board determines the application is complete (during which period the public hearing must have occurred), the Planning Board shall approve, approve with modifications, or disapprove the proposed action application. The Board shall limit its review to the criteria set forth in Section 1140 - Standards for Review of this Ordinance. The Board may consult with the Applicant or any other party in making its review.

The Board shall inform the Applicant of its decision, in writing. In cases of disapproval or approval with modifications, reasons for such actions shall be stated. A copy of the Board's decision shall be filed with the Code Enforcement Officer. No CEO permit shall be issued until Planning Board approval is granted.

G. Records of Applications

Applications for Planning Board approval with their accompanying plans and the Planning Board's action shall be maintained as part of the permanent record of the Planning Board.

H. Site Plan Approval

After Site Plan approval has been granted, the appropriate CEO Permit may be issued.

I. Certificate of Compliance

Upon completion of the project, or no longer than two years from the date the permit was issued, the Code Enforcement Officer or the applicant's architect, engineer, or land surveyor, shall conduct an inspection, to determine if the project is in substantial compliance with the permits issued.

If the project is in substantial compliance, the CEO shall issue a certificate of compliance stating that the project has met the requirements of the permit.

If the project is not in compliance, the CEO shall issue a letter stating the items that have not met the requirements of the permit.

Any person who violates this section shall be subject to a fine as defined by Article 1440 of this ordinance.

J. Bond Required

The planning board may require the applicant to provide a bond, in an amount that shall be sufficient, in the determination of the planning board, to indemnify the Town of Bradford, in the event the applicant is unable to satisfactorily complete the project. The bond shall be released upon issuance of an occupancy permit or certificate of compliance.

1132 Required Information on Plans

Applications for the establishment of uses requiring Planning Board approval shall be accompanied by plans, drawn to scale, containing the following information:

- A. Name and address of the Applicant
- B. Name and address of owner of property, if different than Applicant
- C. Project description: Include, if applicable, the number of employees, type of business, projected number of customers, solid waste disposal, water need
- D. A description of the interest the Applicant has in the property (option, land purchase contract, lease, record ownership, etc.)
- E. Abutter's names and addresses including those directly across roads.
- F. Scale of the map
- G. Boundaries of the tract of land
- H. Location of existing and proposed buildings and other structures, including use and proposed use thereof
- I. Location of buildings on abutting properties and within 300 feet of the property line of the proposed development

- J. Location of existing public streets
- K. Location of proposed access drives to the lot from public streets
- L. Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas
- M. Location of existing and proposed pedestrian walkways, if appropriate
- N. Location of existing and proposed utilities and easements therefore, including sanitary sewerage as defined by State Law, water system (if desired by owner, and electrical system (the electrical system must be from a primarily uninterrupted source sufficient to maintain the hard-wired smoke detectors).
- O. Location of existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc.
- P. Location, intensity, type, size and direction of all outdoor lighting
- Q. Location and proposed use of areas proposed for outdoor recreation
- R. Location and type of existing and proposed screening
- S. Contour lines at a minimum of twenty-foot (20') intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated or filled
- T. Location and size of signs and all permanent outdoor fixtures
- U. Information about soils conditions on the site:
 - 1. If subsurface sewage disposal is proposed, the information shall include evidence of soil suitability according to the Maine State Plumbing Code. The Site Plan shall show the location of soil test areas.
 - 2. If no subsurface sewage disposal is proposed, medium-intensity soils survey information about the site shall be included in the application. The Planning Board may require more intensive soils information if needed in order to adequately review the proposal.
- V. Excepted from this section are small, temporary, seasonal, enterprises which do not involve land disturbance and/or are in operation for less than six months in any calendar year such as yard sales, farmers markets, vegetable stands or home occupations which, in the determination of the planning board, are similar to the aforementioned in scope and nature.

1140 *Standards Governing Site Plan Review*

In approving an application for Site Plan Review, the Planning Board shall first determine that the development, as planned, will conform to the requirements of this Ordinance. Following such determination, the Board shall proceed to find that the proposed plan adequately meets the following standards applicable to the proposed development. In all cases, the burden of proof shall be upon the Applicant.

- A. The proposed use, buildings, design and layout meets the provisions of all applicable regulations and ordinances of the Town of Bradford and meets the intent of the Comprehensive Plan, as amended.
- B. The proposed site development shall not adversely impact either the quality or quantity of groundwater available.
- C. The proposed layout will be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved. Factors for the Planning Board to consider in this determination are the turning movements relative to traffic flow, proximity to intersections, location and access of off-street parking, provisions of pedestrian traffic, and minimization of pedestrian vehicular contacts.
- D. The proposed location and height of buildings or structures, walls and fences, parking. Loading and landscaping shall be such that it will not interfere with or discourage the appropriate development in the use of land adjacent to the proposed site.
- E. Signs shall be in accordance with the regulations of this Ordinance and, in addition, shall be designed and located so as not to present a hazard or glare to either adjacent property owners or to motorists.
- F. Buildings shall be located with consideration of the topography and other natural features of the site.
- G. The development is designed to minimize erosion.
- H. All manufactured slopes, other than those constructed of stone, concrete or other impervious materials, shall be planted or otherwise protected from the effects of storm runoff erosion. All graded slopes shall be of a character to cause the slope to blend with the surrounding terrain and development.
- I. Adequate drainage is provided for storm water runoff from paved areas and areas covered by buildings.
- K. The proposed use is designed to minimize, as far as possible, adverse impacts on farmland.

Article 1200 Performance Standards and Zoning

These standards shall apply to all buildings or structures and all uses of premises in the Town of Bradford.

Village District

The town of Bradford has identified a 618-acre area beginning on West Road approximately one-third mile west from “Bradford Corner” and continuing along East Road approximately two and one-quarter miles east to the intersection of Station Road and Hilltop Circle as the Village District. The area further extends approximately one-half mile north on Main Road from “Bradford Corner” to the intersection of Main Road and Melody Lane, and two-thirds mile south on Main Road from “Bradford Corner” (see Map K-3).

The Village District will provide an area that will serve as a higher density residential and limited commercial area in Bradford. Residential, single family, two family, manufactured housing with permanent foundations, and multi-unit buildings not to exceed four dwellings per structure will be allowed. In addition, restaurants, bed and breakfast accommodations, professional offices, governmental facilities, technical and repair services, retail, and home occupations will be allowed in this district. All commercial buildings will be required to have a footprint that does not exceed 50% of lot size. The future land use ordinance will specify the exact types and sizes of commercial uses allowed in the Village District. (Performance standards regarding noise, lighting, hours of operation and parking will ensure compatibility with residential neighbors.) This district will have a minimum lot size of one acre and 150-foot minimum road frontage. In addition, minimum setback for building, town approved septic systems and wells will be 25 feet from the edge of the traveled way.

Mixed-Residential District

The town of Bradford has identified two areas in town, encompassing approximately 3,235 acres, to be mixed-residential district. The first area is a small area approximately one-mile northwest from Main Road on Atkinson Road, and running easterly along King Road and Lagrange Road. The second area identified is a larger rectangular area around the identified “Village District,” also shown on map K-3. This mixed-residential area extends westerly on West Road approximately one-half mile from “Bradford Corner” and continues easterly approximately three and a half miles onto Station Road to Hilltop Circle. The area further extends approximately one and one-quarter miles north on Main Road from “Bradford Corner” to the intersection of Main Road and Isthmus Road and approximately three-quarters of a mile south on Main Road.

The mixed-residential district will provide an area that will serve as a high-density residential and limited commercial area in Bradford. Residential single family, two family, manufactured housing with permanent foundations, and multi-unit buildings not to exceed four dwellings per structure will be allowed in this district along with mobile/tiny home parks. In addition, restaurants, bed and breakfast accommodations, professional offices, governmental facilities, technical and repair services, retail and home occupations will be allowed in this district. The land use ordinance specifies the exact types and sizes of commercial uses allowed in the mixed residential district. Performance standards regarding noise, lighting, hours of operation and parking will ensure compatibility with residential neighbors. This district will have a minimum lot size of two acres with a 200-foot minimum road frontage. In addition, minimum setback for building, septic systems and wells will be 50 feet from the edge of the traveled way subject to approved septic design.

Rural Residential District

The **Rural Residential District** encompasses approximately 13,363 acres of land. The purpose of this district is to maintain the rural character of the town, to protect agricultural and forestry uses, to provide open spaces and provide for single family residential dwellings with larger lot sizes. Residential single family and manufactured housing with permanent foundations will be permitted in the rural residential district. Home occupations, natural resource-based businesses and/or industries (such as outdoor recreation, greenhouses, stables, and sawmills) and commercial development of agricultural and commercial forestry operations will be permitted. This district will have a minimum lot size of two acres with a 200-foot minimum road frontage. In addition,

minimum setback for building, septic systems and wells will be 50 feet from the edge of an existing traveled way.

Rural Forested District

The Rural Forested District encompasses approximately 9,055 acres. The purposes of this district are to maintain the rural character of the town, to protect forestry uses, and to preserve the town's open spaces with larger lot sizes. Residential single family and manufactured housing on permanent foundations will be permitted in the rural forested district. Natural resources-based businesses and/or industries (such as outdoor recreation, greenhouses, stables, and sawmills) and commercial development of agricultural and commercial forestry operations will be permitted. This district will have a minimum lot size of ten acres with a 40- foot minimum road frontage. In addition, minimum setback for building, septic systems and wells will be 50 feet from the edge of a traveled way. Parcels which are developed will be required to meet the minimum road frontage requirements on existing roads or new roads, and may be required to build a new road to accommodate for the use.

Bradford/Lagrange Public Land

Within the Rural Forested District is a 900-acre parcel in the northeast corner of Bradford, adjacent to an additional 1,200 acres in Lagrange, which is owned and maintained by the Department of Conservation (DOC) Bureau of Land and Parks as Public Reserve Land. This piece of property, referred to as the Bradford/Lagrange Lot, was acquired by the DOC from private owners in the late 1980s. The DOC acquired the land with the intent of exchanging the property with another property owner. The exchange never took place, and the DOC has been managing the property as reserve land ever since.

The DOC complies with all local land use regulations; however, the DOC also has self-imposed regulations referred to as the "Integrated Resource Policy," adopted in 1985 and revised in 2000 which governs how the land is managed. Currently, the DOC acts in the capacity of a timber and forest manager on this land. Approximately 60-70% of the DOC's operating budget comes from the sale of timber on public lands.

1210 *Lot Dimensions*

The following minimum lot dimensions shall apply to all uses in the Town of Bradford:

A. Minimum lot area:

Lot size shall be appropriate for the zone in which it is located. For multi-family housing (dwellings with multiple dwelling units) refer to Article 1210.E for Minimum Lot Area for Multi-family Housing.

B. Road Classification and Minimum Road Frontage:

1. 200 feet on Local Streets or Private Roads. Local Streets are here defined as dead-end roads and loop roads that have both entrances on the same street. They shall include but are not limited to:
 - a. 200 feet on Collector Streets and Arterials.
 - b. Arterials shall include but are not limited to:

- c. All existing roads and streets not classified as Arterials or Local Streets are classified as Collector Streets.
2. Future roads shall be classified by the Planning Board prior to submission to the Board of Selectmen for approval at a Town Meeting.

C. Minimum setback

1. Minimum setback of all structures, buildings, including septic systems and wells from all rear or side property lines shall be 25 feet, except that one-story accessory residential structures of no more than 100 square feet in area and no more than 15 feet in height from the first floor to the highest point of the peak may have a 15-foot side and rear setback.
2. Minimum setback of all structures or buildings from the centerline of the road shall be 50 feet unless stated otherwise in the Bradford Land Use Ordinance.
3. All lots established after the effective date of this ordinance must be of such dimensions as to accommodate within the boundaries of each a square measuring 200 feet by 200 feet, which abuts at one side along the principal access way. Except that in the Village District, such dimensions shall be 150'x200'.
4. Modification of some setbacks may be necessary to apply the density bonus for Affordable Housing projects in accordance with the requirements in the Housing Opportunity Supplement of this ordinance.

D. Minimum setback of all structures or buildings from water bodies and wetlands:

Regulated by the Shoreland Zoning Ordinance.

E. Minimum lot area for multi-family housing:

Two (2) acres for the first dwelling unit and one half (1/2) for each additional dwelling unit.

No more than one principal structure may be placed on a lot unless the CEO under the following conditions grants permission for additional principal structure(s): (“**Principal Structure**” definition – The structure used for the main purpose for which the premises exist.)

1. Adequate subsurface sewage disposal is available for all uses on the lot.
2. No unsafe or unhealthy condition is created by establishing the additional uses on the lot.
3. The layout of the buildings is such that legal lot(s) as defined by this ordinance and state law can be created in the future. **-OR-** Only one structure is occupied during construction of a principal dwelling.
4. Additional Dwelling Units and Accessory Dwelling Units may be placed on a lot in accordance with the Housing Opportunity Supplement of this ordinance.

1220 Excavation, Removal or Fill of Land

A. General.

The following provisions shall apply to excavation, removal or fill of soil, earth, loam, sand, gravel, rock and other deposits. Existing gravel pits may continue to operate as long as the extraction does not make the pit more non-conforming. Excavation, removal, or fill of land or other earth moving activity, which would result in erosion, sedimentation, or impairment of water quality or fish or aquatic life, is prohibited.

All existing gravel pits at the time of the adoption of this ordinance do not need Planning Board Approval to continue operation.

B. Excavation, removal, or fill activities not requiring a permit.

The following activities shall be allowed without a permit:

1. The excavation, removal, or fill of less than 1000 cubic yards of material from or onto any lot in a calendar year.
2. Excavation, removal, or fill activities associated with the construction of any structure for which a valid Building permit or valid Plumbing permit has been issued.
3. Routine road maintenance and winter sanding performed or contracted by the Town of Bradford.

C. Review and permit required.

1. All excavation, removal, or fill in excess of 1000 cubic yards and up in a calendar year shall require a CEO permit before the activity is commenced. Site Plan approval is only required once as long as the approved plan is followed.
2. In addition to the information required in a Site Plan Review application, before granting Site Plan approval, the Planning Board shall require that the Applicant present a conservation plan for the operation of the activity and the restoration of the land. Such a plan shall indicate the manner of operation of the activity. It shall include provision for preventing erosion, siltation, sedimentation, and runoff and plans for temporary and permanent conservation practices.
3. The restoration plan shall indicate how the site will be stabilized and revegetated at the completion of the operation, the expected completion date, and the final relief of the land after it has been restored.
4. One condition of the issuance of Site Plan approval shall be that the operator must follow the plan approved by the Planning Board.

D. Mineral exploration activities.

The following requirements shall apply to mineral exploration activities:

1. All excavations, including test pits and holes, shall be promptly capped, refilled, or secured by other equally effective measures to reasonably restore disturbed areas and to protect public health and safety.
2. Access way approaches to stream channels shall be located and designed to divert water runoff from the way to prevent such runoff from directly entering the stream.
3. In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all areas of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching, if necessary, to insure effective stabilization.
4. A natural vegetative screen of not less than fifty feet (50') in width shall be retained between any facility intended primarily for public use, excluding privately owned roads and the mineral exploration or extraction activity.
5. If the owner is operating under Planning Board approval and within twelve (12) months following the completion of extraction operations at any extraction site, or when less than one hundred (100) cubic yards of materials are removed in any consecutive twenty-four (24) month period, ground levels and grades shall be established in accordance with the following:
 - a) All debris, stumps, and similar material shall be removed for disposal in an approved location or shall be buried on-site. Only materials originating on-site may be buried or covered on-site.
 - b) The final graded slope shall be one vertical foot to two horizontal feet (1:2) slope or flatter.
 - c) Material capable of growing vegetation shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the areas. Additional material shall be obtained from off-site sources, if necessary, to complete the stabilization project.
6. Extraction shall be prohibited below the average seasonal high-water table. No ditches, trenches, pumping or other methods shall be used to lower the water table or permit more gravel extraction than could occur under normal conditions. Extraction operations shall not be permitted within one hundred fifty feet (150') of any property line, without written permission of the owner of such adjacent property. In no event shall they be permitted closer than twenty-five feet (25') to any property line, unless there is another mineral extraction operation on the other side of the property line in question. The distance may not be reduced to less than twenty-five feet (25') from a cemetery.

7. Access roads into and around the pit shall not be oiled. Dust from the pit, including dust associated with traffic, must be controlled by watering, paving, sweeping or other best management practices.
8. The pit shall not be used for storage or dumping of any substances that could produce a harmful leachate, both during operation of the pit and following its permanent closure.
9. Storage of hazardous materials and petroleum products in the pit is prohibited.
10. Refueling and oil changes in the pit are prohibited, unless adequate protection and containment is provided. Adequate protection and containment means a spill prevention, control and counter measures plan as required by 38 M.R.S.A. Section 490-D. Excavation may not occur below road level within one hundred fifty feet (150') of a road or right-of-way except that excavation below road level may occur within one hundred fifty feet (150') of a private right-of-way with written permission of the owner of the right-of-way.

1230 Signs

A. Off-Premises Signs

No off-premises sign shall be erected or maintained in the Town of Bradford except in conformity with M.R.S.A. Title 23, Section 1901-925, and the Maine Traveler Information Services Law. Off-premises official business directional signs may be located in the Town of Bradford in such location and in such manner as allowed under M.R.S.A. Title 23, Section 1901-925 and under the rules and regulations of the State of Maine Department of Transportation.

B. On-Premises Signs

All on-premises signs shall be located and erected in conformity with State Law M.R.S.A. Title 23 Section 1901-1925. In addition, the following regulations shall apply:

1. No sign shall be erected adjacent to any public way in such manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device or otherwise constitute a hazard to pedestrian or vehicular traffic.
2. Flashing, moving, or animated signs are prohibited. No sign shall exceed 25 feet in height.
3. No sign shall be located within 10 feet of front property line and/or 25 feet of any other lot line.
4. Roof signs shall not extend more than 10 feet above the roofline.
5. No sign shall exceed a total area of 32 square feet.

6. No more than 5 signs per parcel with not more than three (3) signs within ten (10) feet of any other sign.

1240 General Welfare

A. Dust, Fumes, Vapors, Gases, Odors, Noise, Glare, and Explosive Materials

1. Emission of dust, dirt, fly ash, fumes, vapors or gases that pose unreasonable risk harm to human health, or the environment shall be prohibited.
2. No land use or establishment shall be permitted to produce unreasonable offensive or harmful odors perceptible beyond their lot lines, measured either at ground or habitable elevations.
3. No land use or establishment shall be permitted to produce unreasonable noise, glare or brightness beyond its lot lines.
4. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA), Sections 30, 58, and 59-A.

B. Oil and Chemical Storage

1. All storage of petroleum or liquid petroleum products shall be in conformance with the provisions of Title 38, M.R.S.A., Section 541 *et seq.* which establishes a ten-year compliance schedule for the discontinuance and removal of non-conforming underground oil storage facilities and requires qualified personnel to oversee the removal of certain underground facilities.
2. Such storage shall be in conformance with the NFPA Codes applicable to the stored substance.
3. When applicable, the Applicant shall have the burden of proof to assure the Planning Board or Code Enforcement Officer that all provisions of the above statutes have been met before the issuance of any permit may take place.

C. Pollution Levels

Any pollutant introduced into soil on the site shall not exceed a concentration in the ground water that is greater than the guideline established for it in the Safe Drinking Water Standard, EPA Health Advisory, or NAS Health Advisory. Any violation of this standard shall be cause to order the immediate cessation of the use or activity responsible for the contamination.

D. Deer Yards

If a use is proposed in an Inland Fisheries and Wildlife (IF&W) mapped deer yard, the applicant must consult with an IF&W Biologist for best management practices.

1250 Aquifer Protection

A. Groundwater Protection

The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater have demonstrated that the groundwater at the property line shall comply, following development, with the standards for safe drinking water as established by the State of Maine.

B. Uses Prohibited Adjacent to Significant Sand and Gravel Aquifers

The following uses are prohibited directly over and within one thousand feet (1000') of the boundaries of significant sand and gravel aquifers, as defined herein:

1. Subsurface storage of petroleum and other refined petroleum products with the exception of household heating oil where the underground storage tank is in full compliance with Department of Environmental Protection regulations
2. Petroleum storage for commercial or industrial use
3. Engineered subsurface waste disposal systems as defined herein
4. Multi-family dwellings
5. Industrial uses except those permitted as home occupations
6. Salt-sand and road salt storage and loading area
7. Dumping of snow containing deicing chemicals
8. Junkyards/ auto graveyards
9. Sanitary landfills or construction/demolition debris or stump dumps
10. Commercial animal feedlots
11. Metal plating
12. Commercial furniture stripping
13. Dry cleaning establishments/ Laundromats
14. Commercial motor vehicle repair or service
15. Non-residential pipelines for transmission of oil, gas, or hazardous materials
16. Spray irrigation of sewage
17. Any other use that involves the manufacture, storage, use, transportation or disposal of toxic or hazardous materials

1260 Erosion Control

Erosion and Sedimentation Control

The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval by the Planning Board:

- A. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the Applicant, shall be implemented during the site preparation, construction, and clean-up stages.
- B. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices:

- 1) Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion.
- 2) The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site.
- 3) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- 4) The disturbed area and the duration of exposure shall be kept to a practical minimum.
- 5) Disturbed soils shall be stabilized as quickly as practicable.
- 6) Temporary vegetation or mulching shall be used to protect disturbed areas during development.
- 7) Permanent (final) vegetation and mechanical erosion control measures, in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission, shall be installed as soon as practicable after construction ends.
- 8) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped using debris basins, sediment basins, silt traps or other acceptable methods.
- 9) The top of a cut or the bottom of a fill section shall not be closer than ten feet (10') to an adjoining property line, unless otherwise specified by the Planning Board. Extraction operations (gravel pits, etc.) shall not be permitted within one hundred fifty feet (150') of any property line in the absence of prior written agreement of the owner of such adjoining property.
- 10) During grading operations, methods of dust control shall be employed wherever practicable.
- 11) Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- 12) Any activity on a stream, watercourse or swale, or upon floodway or right-of-way shall comply with the Natural Resource Protection Act, Title 38, M.R.S.A., Sections 480-A and 480-S. Any such activity shall also be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway, or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.

- 13) Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

1270 Buffer Strip Requirement for Activities Requiring Planning Board Approval

- A. A fifty foot (50') wide buffer strip shall be provided along all property boundaries or road right of ways that require Planning Board approval and abut incompatible uses.

No structures, streets, or utilities may be placed in the buffer strip, except that utilities only may cross a buffer strip to provide services.

- B. Within twenty-five feet (25') of any property line or road right of way and within the buffer strip, visual screening and /or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping, (such as coniferous shrubs and trees) and/or natural existing vegetation. The screening shall be maintained throughout the life of the project. The screening shall effectively screen at least 80% of the structures from the view of the adjacent properties. If vegetative screening is chosen, the owner has five (5) years to comply with this standard.

1280 Road Entrances, Curb Cuts, Driveways

All road entrances, curb cuts, and driveways shall be designed – considering land topography, street design, and existing and expected traffic patterns – to promote to the greatest extent possible safe pedestrian and vehicular traffic and to protect public safety. Driveways and roads in multi-family housing projects shall be designed and laid out to provide for adequate traffic circulation and for access of emergency service vehicles to every housing unit on the premises.

Prior to building a driveway or private road that will enter onto a public way, the landowner shall notify the CEO.

If the CEO determines it is necessary, a new culvert shall be installed at the entrance to a driveway or private road. The culvert shall be adequately sized to provide drainage along the adjoining public way.

Culverts shall be installed at the landowner's expense.

No building permit shall be issued for the construction of any building unless such building has the frontage required by this ordinance and there is a direct access to a public or private road. When a building is proposed on a lot not located upon a public way, then the property owner whose land benefits from such public or private way must sign a contract with the Town in which such person agrees to assume responsibility for the maintenance of the private way access to the proposed building site. This agreement will include the property owner's obligation to provide proper ditching and drainage in accordance with the standards then required for subdivision streets by Town ordinance or Planning Board regulations. This agreement shall state the Town of Bradford is not required to take any action to maintain the easement area, unless such action is authorized by legislative vote, and this agreement shall be binding on the owner's grantees, heirs, devisees, donees, and all other successors in interest.

Private roads must have a fifty-foot (50') right-of-way and must be screened if the right-of-way passes within thirty-five feet (35') of a residence. A private way which is

approved by the planning board and which services a maximum of two lots must be laid out and fixed in location and dimensions as a permanent and unobstructed easement recorded in the Penobscot County Registry of Deeds; be a minimum of *forty* (40) feet wide and constructed with a travel way width of sixteen (16) feet located in the center of such right of way, a minimum of twelve (12) inches of gravel and must be adequately drained; and turns greater than forty-five (45) degrees are not permitted. The Planning Board may vary these requirements (but may not permit a right of way width of less than forty (40) feet provided the applicant show that the literal application of the standards would result in undue hardships and further provide that the planning board shall consult with the fire chief regarding the adequacy of access for public safety purposes before granting such variance. The planning board shall also consider topography, parcel size, and impact of adjacent and proximate parcels in evaluating a waiver of these requirements; and the property owner whose land benefits from such a private way and who is applying for such building permit, must sign an agreement with the town in which he agrees to assume responsibility for the construction and maintenance of the private way in accordance with the standards set forth in this ordinance, including proper ditching and drainage in accordance with the standards then required for subdivision streets by town ordinance or planning board regulation which agreement shall state that the Town has no responsibility for the maintenance of the private way, and which agreement shall be binding on the applicant, grantee, heirs, devisees, donees, and all other successors in interest.

The Private way authorized herein must connect directly with a public way.

The minimum lot size criteria, dimensional provisions and setback requirements of this ordinance must be met for the lot and the proposed structure/s.

The visual screening may consist of fences, berms, landscaping, (such as coniferous shrubs and trees) and/or natural existing vegetation. The screening shall be maintained throughout the life of the right-of-way. The screening shall effectively screen at least 80% of the structures from the view of the right-of-way. If vegetative screening is chosen, the owner has five (5) years to comply with this standard.

NOTE: Any driveway or road on a state highway or state aid road requires an entrance permit from DOT.

A. Vehicular Access

The following standards apply to design and construction of vehicular access to properties:

1. Each property shall be provided with vehicular access to the property by abutting private or public ways. Private rights-of-way shall be protected by permanent easements.
2. The following criteria shall be followed for entrances and/or driveways to any use other than single and two-family dwellings:
 - a) All entrance and exit driveways shall be located and designed in profile and grading to afford safety to traffic, provide for safe and convenient access to and from the site, and to minimize conflict with the flow of traffic.

- b) The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily.
- c) Provision shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.
- d) For a distance of twenty feet (20') from the intersection of any two (2) streets along street lines, no wall, fence, sign, or other structure and no hedges, trees, or other growth shall be planted or erected in such a manner as to materially impede vision between a height of two and one-half (2 1/2) and ten feet (10') above street level.
- e) Any exit driveway or driveway lane shall be designed in profile and grading and located to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten feet (10') behind the curb line or edge of shoulder.

Allowable speed (Miles per hour)	Required Sight Distance (Feet)
25	160
35	240
40	275
45	325
50	350
55	425

- f) Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located within fifty feet (50') of the point of tangency of the existing or proposed curb radius of that site. Access to the lot shall be provided across the frontage and to the street where there is less potential for traffic congestion and for hazards to traffic and pedestrians.
- g) The intersection of any access drive or proposed street shall function at a Level of Service of C following development if the project will generate four hundred (400) or more vehicle trips per twenty-four (24) hour period or at a level which shall allow safe access into and out of the project if less than four hundred (400) trips are generated.

Projects generating four hundred (400) or more vehicle trips per twenty-four (24) hour period shall provide two (2) or more separate points of vehicular access into and out of the site.

- h) Where two (2) or more driveways connect on a single site to any one (1) road, a minimum clear distance of one hundred feet (100') measured along the right-of-way shall separate the closest edges of any two (2) such driveways, unless the driveways are one way only. In that case, the minimum clear distance shall be no less than fifty feet (50').

- i) Angles. Driveways used for two-way operation shall intersect the road at an angle of or as near to ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees. Driveways used by vehicles in one (1) direction of travel (right-turn only) shall not form an angle greater than forty-five (45) degrees with the road, unless acceleration and deceleration lanes are provided.
- j) Dimensions. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated. The required maximum and minimum dimensions for driveways are indicated below. Driveways serving large volumes of daily traffic or traffic of over fifteen percent (15%) truck traffic shall be required to utilize maximum dimensions.

	One-way Operation Driveways* Width (Feet)	Two-Way Operation Driveways* Width (Feet)
Three (3) to ten (10) Dwelling units	16	16 to 25
Ten (10) dwelling units or more	16 to 25	20 to 35
Commercial and Industrial	16 to 30	25 to 35
* All driveways shall be five feet (5') wider at the curb line and this additional width shall be maintained for a distance of twenty feet (20') into the site.		

- k) Grades. For all driveways entering onto all State maintained roads, the grade shall not be more than three percent (3%) for the first fifty feet (50') from the edge of the pavement. Driveways shall not be located where visibility is limited because of curves or topography.

B. Highway Access

The following provisions shall apply to all properties that abut and/or have frontage on all state-maintained roads:

1. All lots of record legally existing at the time of the adoption of this Ordinance shall be allowed one (1) direct access to a state-maintained road provided that the minimum sight distance is met.
2. One curb cut is allowed for every 200 feet of frontage provided it meets the minimum sight distances specified.

C. Emergency Vehicle Access

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

1290 Off-Street Parking and Loading Requirements

A. Off-Street Loading/Unloading Requirements

On every lot on which a commercial or industrial use is hereafter established, space with access to a public street shall be provided as indicated below for the loading and unloading of vehicles.

BUSINESS: One (1) space twelve feet (12') by fifty-five feet (55') with a minimum overhead clearance of fifteen feet (15') for every ten thousand (10,000) square feet or fraction thereof of floor space.

B. Off-Street Parking

1. **PARKING SPACE SHALL BE PROVIDED:** No structure shall be erected nor shall any of the following uses be established unless at least the minimum number of off-street parking spaces as specified below is provided. Where a fractional number of spaces would be called for, at least the next higher whole number of spaces shall be required. Each parking space shall measure at least nine feet (9') in width by eighteen feet (18') in length and shall have access for vehicles to a public street. Parking lots for more than five (5) vehicles shall be arranged so that vehicles can be turned around within such lots without entering the street. Private roads, separated from public rights-of-way, but not allowing for turn-around space are deemed adequate for these requirements.
 - a) **Automobile Repair and Filling Stations:** one (1) space for each regular employee, plus one (1) space for each one hundred (100) square feet of floor area used for service work
 - b) **Boarding and Rooming House:** one (1) space for each guest room
 - c) **Drive-in Restaurants and Dairy Stands:** ten (10) spaces plus one (1) additional space for each person serving or preparing food on the largest shift employed at least once a week on a regularly scheduled basis during the peak season of operations
 - d) **Hospitals and Nursing Homes:** one (1) space for each five (5) beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees
 - e) **Fraternal Organizations and Clubs:** one (1) space for each five (5) members
 - f) **Business and Professional Offices:** one (1) space for each two hundred (200) square feet of working space
 - g) **Places of Amusement or Public Assembly:** one (1) space for each fifty (50) square feet of floor area devoted to patron use
 - h) **Residential:** Two (2) spaces for each dwelling unit

- i) **Restaurants, Cocktail Lounges, and Bottle Clubs:** one (1) space for each four (4)-customer seats, plus one (1) space for each two (2) employees
 - j) **Retail Business:** four (4) spaces for each one thousand (1,000) square feet of sales area
 - k) **Elementary Schools:** two (2) spaces per classroom plus one (1) space for every four (4) seats of public assembly or ten (10) spaces for every one thousand (1,000) square feet of assembly space if no fixed seats
 - l) **Wholesale Business:** one (1) space for each three hundred (300) square feet of floor space
 - m) **Churches:** one (1) space for each three (3) persons seating capacity
 - n) **For uses not specifically listed in this section,** the Code Enforcement Officer shall prescribe the number that in no case will be less than an adequate number to provide for employees and customers and visitors anticipated on the site.
2. **LOCATION ON OTHER PROPERTY:** If the required automobile parking spaces cannot be provided on the same lot where the principal use is conducted, the Planning Board can permit that such spaces may be provided on other off-street property provided that such property lies within four hundred feet (400') of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner provided, however, that it may serve different principal uses at different times of day.

Article 1300 Performance Standards

1310 Swimming Pools

Any in-ground private or public swimming pool shall be enclosed by a fence no less than four (4) feet high designed to prevent uncontrolled access.

1320 Sewage Disposal

All dwellings, including manufactured housing units, that are leased or rented, regardless of the term, and all owner-occupied dwellings that are occupied as a primary dwelling for at least four consecutive months, must have a complete septic system (HHE 200). All other dwellings must have a septic system that provides a means of sewage and gray water disposal that is State compliant which may include gray water and primitive systems.

Plumbing and sewage disposal systems shall be installed only after a Plumbing permit has been obtained. The burden of proof rests with the applicant.

(Revision Approved by Bradford Voters June 8, 2021. See "Noted Clauses" Section, Note # 3)

1330 Building Construction Standards

All new structures built in the Town of Bradford shall be designed and built to conform to the generally-accepted standards of good practice for such construction.

No manufactured housing shall be located within the Town of Bradford unless it meets the standards of 30A M.R.S.A. sec 4358 as amended.

1340 Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- A. Each tent or shelter site shall contain a minimum of twenty-five hundred (2,500) square feet of suitable land, not including driveways and roads, for each site.
- B. A minimum of two hundred (200) square feet of off-street parking plus maneuvering space shall be provided for each tent or shelter site.
- C. The area intended for placement of the tent or shelter site and utility and service buildings shall be set back a minimum of fifty feet (50') from the exterior lot lines of the camping area, and one hundred feet (100') from the normal high water mark of any river, pond, stream, and upland edge of a wetland.
- D. Screening shall be required to shield the campground from abutting areas.

All campgrounds established in the Town of Bradford shall meet all the following standards:

Campgrounds shall be located on well-drained sites properly graded to insure rapid drainage and freedom from stagnant pools of water. The sites shall not be exposed to unpredictable adverse influences such as sudden flooding, land slumping, or erosion which would expose persons or property to hazards.

1341 Campers

All campers shall be located at least twenty-five feet (25') from all campground boundaries and at least ten feet (10') from any campground road.

1342 Site size requirement

- A. Each campsite for motorized vehicles shall contain not less than twenty-five hundred (2,500) square feet and shall be at least fifty feet (50') wide.
- B. Each campsite for non-motorized devices shall contain not less than one thousand 1,000 square feet and shall be at least thirty-five feet (35') wide.

1343 Camper Siting

All campers shall be arranged so that there will be a minimum of fifteen feet (15') between each unit.

1350 Mobile Home Safety Standards

All mobile homes in the Town of Bradford shall meet the following criteria of the Bradford Manufactured Housing Ordinance:

A. General Standards:

1. Constructed with exterior siding that is residential in appearance.
2. Certified, pursuant to 30-A M.R.S.A. section 4358.
3. Certificate for Payment of sales tax and Property tax

B. Safety Inspection Standards

A representative from the Town of Bradford, under the authorization of the Board of Selectmen, will do an inspection of any used mobile home, before a permit is issued for said dwelling to enter the town limits of Bradford. A copy of the inspection checklist is attached to this ordinance and available at the town office. If the initial inspection fails, a copy of that report shall be left, to enable the owner or representative to take corrective measures. A second inspection shall then be arranged at a later date.

There will be an initial inspection fee of \$25.00 plus current federal mileage reimbursement rate for any mileage and, if needed, the follow-up inspection fee shall be the same.

C. Exit Facilities – Exterior Doors

Homes shall have a minimum of two exterior doors located remote from each other.

1. Required egress doors shall not be located where a lockable interior door must be used in order to exit
2. Doors may not be less than 12 feet from each other as measured in any straight-line direction regardless of the length of the travel between doors.
3. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
4. All exterior swinging doors shall provide a minimum 28 inches wide by 74 inches high clear opening. All exterior sliding doors shall provide a minimum 28 inches wide by 72 inches high clear opening. Locks shall not require the use of a key for operation from the inside.

D. Exit Facilities – Egress Windows and Devices.

Homes shall have the following second means of escape or alternate emergency egress facilities as follows:

Every room designed expressly for sleeping purposes, unless it has an exterior exit door, shall have at least one outside window operable from the inside without the use of tools and providing a clear opening of not less than 20 inches in width, 24 inches in height and 5.7 square feet in area. The bottom of the opening shall not be more than 44" off the floor.

*NOTE: For casement, awning, or jalousie windows, the 5.7 square feet must be unobstructed when windows are open.

E. Fire Detection Equipment.

All used mobile homes, regardless of the date of manufacture, shall meet the following requirements:

At least one smoke detector (which may be a single station alarm device) shall be installed in the home as follows:

1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom area, in which case the detector shall be installed on the living side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
2. When located in hallways, the detector shall be between the return air intake and the living area.
3. The smoke detector shall not be placed in a location that impairs its effectiveness.
4. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985 as amended through October 8, 1985, for single and multiple station smoke detectors.
5. Each smoke detector shall be installed in accordance with its listing on a wall or ceiling. If installed on a wall, the top of the detector shall be 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the over-current protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on any circuit protected by a ground fault circuit interrupter.

F. Carpeting

All used mobile homes, regardless of the date of manufacture, shall meet the following requirement:

Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be used in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

G. Life and Fire Safety

Identification: Each home in a community shall be clearly marked for identification in a uniform manner that is clearly visible from the street serving the site.

Article 1400 Mobile and Tiny Home Parks

1410 Purpose

To promote the orderly development of mobile/ tiny home parks (Any parcel of land, which contains, or is designed, laid out, or adapted to accommodate three or more mobile or tiny homes or combination thereof. Nothing herein shall be construed to apply the term "Mobile Home Park" to any premises used solely for storage or display of mobile homes) to insure the health, safety, and general welfare of the residents of the park and the town of Bradford.

1420 Administration

No person shall construct, develop, establish, expand or operate a mobile/ tiny home park without having first obtained a permit from the planning board. A permit shall be granted for a period of one (1) year. If construction is not initiated within the one (1) year period, the permit expires and the applicant must reapply to the planning board for another permit. Each permit shall be issued only for the site designated in the plans accompanying the application and shall not be transferable or assignable to any other site.

1430 Applicability

This ordinance shall apply to all development proposals for new construction of mobile/tiny home parks and to any expansion of existing mobile/tiny home parks.

1440 Application Procedure and Site Plan Content

All mobile/tiny home park applications shall follow the submission requirements of Article 1130 through 1140 of this Ordinance.

1450 Hearing and Enforcement Procedures

All application, hearing, and enforcement procedures shall follow the requirements Article 1400 of the Ordinance as amended.

1460 Subject to Subdivision Approval

Review Requirements: In addition to the site plan requirements noted above, all mobile/tiny home parks, including the expansion of an existing park, shall require subdivision approval by the Planning Board.

1470 Other Requirements

A. Minimum Mobile/tiny home Park Lot Size

With on-site sewage disposal within the park, the minimum individual unit size shall be 12,000 square feet, provided that a community septic system, approved by the

Department of Human Services, is utilized and that the maximum residential density in the park does not exceed one dwelling unit per 20,000 square feet of buildable land. Where on-site sewage disposal is located on each unit, the unit size shall be at least 20,000 square feet.

B. Dimensions

Dimensions for individual sites or lots are as follows:

1. Minimum lot width: 75 feet
2. Minimum Yard setbacks
 - a. Front: 50 feet from the center of the travelled way.
 - b. Rear: 25 feet
 - c. Side: 25 feet

C. Open Space and Recreation

An area equal to at least 10% of the combined area of all individual lots shall, in addition, be reserved for playgrounds and other recreational facilities and open space.

D. Private Roads

1. Roads within a mobile/tiny home park are to be built according to acceptable engineering standards and require an engineer's seal as required by the Manufactured Housing Board.
2. Roads shall have a right of way width of up to 23', 20' of which shall be paved, unless the developer intends to offer the roads to the municipality for acceptance as a public way. In such case, the roads shall conform to the requirements of the Bradford Subdivision Ordinance
3. Roads shall conform to reasonable safety standards applicable to intersections with public ways adjacent to the mobile/tiny home park.

E. Buffer Yards

A mobile/tiny home park shall maintain a 25-foot buffer yard along all property lines, except where the mobile/tiny home park abuts a residential use or development, where the minimum yard shall be 50 feet. Buffer yards shall be required only when the per-acre density of homes within the park is at least two times greater than the residential density on immediately adjacent parcels of land or if the parcels are undeveloped, the maximum net density permitted by the ordinance. The buffer yard, which may be included as part of the required open space, shall be sufficiently landscaped or fenced to effectively screen the park from surrounding properties.

F. Landscape Plan

A mobile/tiny home park shall have a landscape plan which takes into consideration the relationship of individual sites to one another, the proposed use of open space, the relationship of the park to surrounding property and a specific planting scheme. The plan shall include a permanent landscape maintenance program.

G. Placement on Pad

In a mobile/tiny home park, each individual unit shall be placed upon a permanent

foundation and shall have a skirting placed around its base to screen the base from view. Each unit shall be emplaced in accordance with the Installation Standards specified in the State of Maine Manufactured Housing Standards of the Manufactured Housing Board of March 1993 and any subsequent amendments.

Permanent Foundation shall mean one of the following:

1. A full, poured concrete or masonry foundation;
2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
3. A reinforced, floating concrete pad for which the municipality may require an engineer's certification if it is to be placed on soil with high frost susceptibility; and
4. Any foundation which, pursuant to the building code of the municipality, is permitted for other types of single-family dwellings.

H. Location over Aquifers or in the Shoreland Zone

No mobile/tiny home park shall be located over sand and gravel aquifers nor shall they be located in the Shoreland Zone.

I. Compliance with Mobile/tiny home Safety Standards

All mobile/tiny homes located in a mobile/tiny home park shall meet the applicable mobile/tiny home safety standards adopted by section 1350 of this ordinance

1480 Review Criteria

All mobile/tiny home parks are subject to the same review criteria as are required for commercial and industrial permits in Section 8.C. of the Bradford Land Use Ordinance, the Bradford Subdivision Ordinance and the Maine State Statutes, Title 30-A, MRSA, Section 4401, as amended.

1490 Conformance with Other Laws, Regulations

The proposed mobile/tiny home park shall be in conformance with all pertinent local, state, and federal ordinances, statutes, laws, and regulations.

Article 1500 Enforcement

1510 Nuisances

Any violation of this Ordinance shall be deemed a nuisance.

1520 Code Enforcement Officer

The Code Enforcement Officer established in the Town of Bradford shall have the duty to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance

conditions. A copy of such notices shall be maintained as a permanent record. Any such notice is not a prerequisite to bringing legal action noted in Section 1430, and the failure to give notice shall not in any way affect the legal action.

1530 *Legal Actions*

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, and/or consent agreements, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

1540 *Fines*

The CEO, upon finding that any provision of this ordinance is being violated, is authorized to take action to stop the violation and to recover reasonable attorney's fees, fines and costs.

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, M.R.S.A. §4452. Each day a violation exists shall constitute a separate violation for which a minimum fine of \$100.00 shall be assessed per day. Any fines imposed shall inure to the Town.

Article 1600 Appeals

1610 *Board of Appeals*

The Board of Appeals as established in the Town of Bradford shall hear appeals relative to this Ordinance.

1620 *Jurisdiction of the Board of Appeals*

A. Variance

The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of this Ordinance, when the Board finds that such application could cause undue hardship to the petitioner and his property. A financial hardship shall not constitute grounds for granting a variance. The words "undue hardship" mean:

1. That the land in question cannot yield a reasonable return unless a variance is granted;
2. That the need for a variance is due to the unique circumstances of the property;
3. That the granting of the variance will not alter the essential character of the locality.
4. That the hardship is not the result of action taken by the Applicant or the prior owner.

A variance shall be authorized only for lot area, frontage, and setback, and shall be limited to an appellate review.

B. Administrative Appeal

The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this Ordinance. Such hearings shall be held in accordance with State Laws, and the Board’s deliberations and decisions limited to appellate review.

Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.

C. Time Limit

An aggrieved party may take an administrative or variance appeal to the Board from any decision of the Code Enforcement Officer or Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

Article 1700 Construction of Language

In this Ordinance, certain terms or words shall be interpreted as follows:

- The word "**person**" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular.
- The word "**shall**" is mandatory, and the word "**may**" is permissive.
- The words "**used**" or "**occupied**" include the words "intended", "designed", or "arranged to be used or occupied".
- The word "**building**" includes the word "**structure**", and the word "**dwelling**" includes the word "**residence**".
- The word "**lot**" includes the words "**plot**" or "**parcel**".

In the case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control. Terms not defined shall have the customary dictionary meaning.

1710 Definitions

In this Ordinance, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

Abutter	Owners of properties sharing a property line with that of the applicant, including properties directly across the road or stream.
Accessory Use or Structure	A structure of a nature customarily incidental or structure subordinate to that of the principal structure or a use other than primary use to which the premises are devoted.
Accessory Dwelling Unit	A separate residential dwelling unit, which is located within or attached to a single-family dwelling unit, or in a detached building and is subordinate to the principal dwelling unit located on the same lot. The accessory dwelling unit is for a single family. The owner must occupy either the principal or accessory dwelling unit. The unit must be registered with the town of Bradford as an “accessory dwelling unit.” Lots with an existing single-family dwelling are permitted one accessory dwelling unit. Lots that do not have an existing single family dwelling unit will not be permitted for an accessory dwelling unit.
Additional Dwelling Unit	A separate residential dwelling unit, located within or attached to a single principal dwelling unit or as a detached building. The number of “additional dwelling units” allowed varies with the zoning location of the lot, and the lot size required and the existing presence or absence of a dwelling unit. The establishment of “additional dwelling units” on a lot may trigger a subdivision review process.

Affordable housing development.	<p>“Affordable housing development” means</p> <ol style="list-style-type: none"> 1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and 2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the <i>United States Housing Act of 1937</i>, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs. 3. For purposes of this definition, “housing costs” include, but are not limited to: <ol style="list-style-type: none"> a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner’s insurance, condominium fees, and homeowners’ association fees.
Agriculture	The use of land and structures for soil tillage, to produce crops, dairying, pasturage, agriculture, horticulture, floriculture, raising of fur-bearing animals and animal and poultry husbandry and accessory uses, except that agriculture does not include the cultivation of marijuana.
Area median income	The midpoint of a region’s income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.
Arterial	Major roadways that serve long distance through traffic.
Apartment Building	A structure containing more than two dwelling units and includes off-street parking for tenants.
Automotive Graveyard	A yard, field or other area used as a place of storage for three or more unserviceable, discarded, worn-out or junked motor vehicles.
Attached Dwellings	“Attached” means connected by a shared wall to the principal dwelling or another dwelling on the lot.

Auto Repair Shop	A place where one or more of the following automotive uses and/or services may be carried out: motor vehicle painting, upholstery, major repairing, engine and/or drivetrain rebuilding, body repair, conducted entirely within the confines of a building.
Auto Service, Retail	A place where one or more of the following automotive uses may be carried out: sales and/or installation of motor vehicle parts and accessories (including but not limited to mufflers, tires, shock absorbers and batteries), auto glass replacement, car wash and rustproofing of motor vehicles. A retail auto service shall not include activities performed in automobile repair shops, nor shall it include retail sale of auto parts from a premises wherein no installation of auto parts or repairs and/or service to motor vehicles is performed.
Bathroom	A residential bathroom is a private room containing a toilet, sink, and bathtub or shower. A public bathroom is a private room containing a toilet and sink.
Bed and Breakfast	Any dwelling in which lodging is offered for compensation to persons either individually or as a family with or without meals. The number of rooms allowed is to be limited by building size, adequacy of water, sewer, parking space and fire safety. The owners or managers of the dwelling must reside on-site.
Boarding home or Boarding house	A building, having a common entrance, which offers rooms for accommodation, with or without meals, for compensation. The number of rooms allowed is to be limited by building size, adequacy of water, sewer, parking space and fire safety. The building may have one or more common rooms and one or more common kitchen facilities. The building shall be occupied by the owner or operator.
	22 M.R.S.A. § 2501 states, in part, "Private homes shall not be deemed or considered lodging places and subject to a license where not more than five rooms are let.... Also, "Rooms and Cottages shall not be deemed or considered lodging places and subject to a license where not more than three rooms or cottages are let."
Camper	A vehicle designed to be moved on wheels and intended as a temporary dwelling for travel, recreation and vacation use. This term shall also include travel trailers, camper-trailers, and other short-term shelter vehicles or devices, including tents.
Campground or Camper Park	Any parcel of land that contains, or is designed, laid out, or adapted to accommodate two or more campers, as defined.

Campground - Private	<p>An area of land which is not associated with a campground, but which is developed for repeated camping by the owners and their guests, and which involves site improvements including but not be limited to gravel pads, parking areas, fireplaces, or tent platforms.</p> <p>A private campground does not collect a fee from those using the facility to camp. The owner of the private campground must reside on the premises during use.</p>
Clinic, Medical or Dental Facility	<p>An establishment providing outpatient examination, treatment, or other care by a physician, dentist, other state licensed medical provider, excluding chemical dependency treatment facilities.</p>
Collector Streets	<p>Roadways that connect local streets or arterials, and generally provide access to abutting land.</p>
Commercial Use	<p>The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. Commercial: A land use which is primarily occupied or engaged in commerce or work intended for commerce other than a home occupation.</p>
Community Service Organization	<p>An institution, not to include social clubs, chemical dependency treatment facilities, or clinics, the primary function of which is serving the public health or social welfare of the community, provided that the specific activity which characterizes the primary use of such community service organization use shall be similar in nature, intensity and impact to other permitted uses or, if the community service organization is a conditional use, other permitted or conditional uses in the zoning district in which such use is contemplated.</p>
Conditioned Space	<p>The area of a structure that is climate controlled, and has a floor, walls and roof.</p>
Congregate Housing	<p>A multifamily dwelling consisting of private units for functionally impaired or elderly occupants who do not yet require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing includes facilities that provide some form of assisted care, such as assisted living facilities, adult family care homes, residential care homes for older persons, homes for adults with intellectual disabilities and group homes. (Shelters for people experiencing homelessness, academic dormitories and correctional settings are not included.)</p>

Cooking facilities	A specific area that contains appliances for cooking or re-heating solid foods. A cooking facility must include a stove with an oven or a stove top and separate oven appliance, such as a combined convection oven/microwave unit. Air fryers and coffee makers are not considered cooking facilities. A cooking facility must include a sink.
Deck/Porch	A level structure adjacent to a building elevated above the surface of the ground which may or may not have a railing or roof.
Designated growth area	An area that is designated in a municipality's or multi-municipal region's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent. If a municipality does not have a comprehensive plan. Or Designated growth area means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place, or a compact area of an urban compact municipality as defined by 23 M.R.S. § 754.
Developed Area:	Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and roads or driveways.
Density:	The number of dwelling units per area of land.
Development:	Any man-made changes to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, land clearance excavation, drilling operations.
Driveway:	A vehicular access-way, serving two lots or dwelling units or less and providing entrance to a public roadway or private street.
Duplex	A structure containing two (2) dwelling units. The units may side by side sharing one wall; or constructed one above the other with independent access and egress.
Dwelling	Any building or structure or portion thereof containing one or more dwelling units, but not including a motel, hotel, inn, or similar use. Recreational vehicles, motor homes and campers are excluded.

Dwelling Unit	<p>A room or group of rooms used as a habitation for a single family which has its own exterior entrance and contains facilities for independent cooking, eating, sleeping, bathing, and toileting. Cooking facilities include a sink, separate from that in the bathroom, a stove/oven; or stove top, and microwave/convection oven (in the absence of a stove and oven). Bathing and toileting facilities include at least one private room with a toilet, sink, and shower or bathtub.</p> <p>Dwelling units includes single-family houses, and the units in a duplex, apartment house, multi-family dwelling, residential condominiums, mobile homes, accessory units, additional dwelling units and rental units, regardless of the time-period rented. Recreational vehicles, including campers and motorhomes, are not residential dwelling units. Dwelling units used as rental units must include a permanently fixed heat source that is properly vented, if necessary. All dwelling units must meet State life/safety codes.</p>
Dwelling, Multi-family	A building designed or intended to be used or used exclusively for residential occupancy by up to four families living independently of one another including apartment buildings and condominiums but excluding single-family and two-family dwellings.
Dwelling Unit, Primary	A dwelling unit constructed where the residential use is not wholly incidental or accessory to another use on the same premises.
Excavation	Any removal of earth material from its original location.
Equipment	Anything constructed which is freely and immediately movable and does not require specific location for its use.
Family	<p>A. One or more persons related by blood, adoption or marriage or domestic partnership living and cooking together as a single housekeeping unit, exclusive of household servants.</p> <p>B. Several people, but not exceeding five, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family provided the dwelling unit contains sufficient habitable space and square footage per person.</p>
Filling	Depositing or dumping any matter on or into the ground or water.
Foundation	The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick, concrete piers, or similar materials.
Frontage, Road	The continuous linear distance, measured along the lot line which separates the lot from a public or private way.
Gaming Facility	A facility within which legalized gambling is conducted.

Gasoline Service Station	A building(s) or land which is primarily intended for the sale of motor vehicle fuel and/or lubricating accessories and which may or may not also include facilities for minor repair, lubricating, washing or minor servicing of motor vehicles, not including automotive sales, storage of vehicles not in operating condition or major mechanical or body work, such as motor repair or adjustment involving removal of the head or crankcase, straightening of body parts, painting or welding. A gasoline service station is not an auto repair shop nor a retail auto service.
Gross Floor Area	The total floor area of a structure's finished, conditioned space with no exclusions for usable space, such as closets, hallways, staircases, etc., but excluding below-grade, unfinished basement floor area not used as part of the principal or accessory use activity. Conditioned space in the attic or a finished basement is included.
Ground Floor Area	The square-footage area of a building within its largest outside dimensions, exclusive of unconditioned space such as open porches, patios, terraces, and exterior stairways.
Group Home	A community living arrangement housing facility for eight or fewer people with disabilities that is approved, authorized, certified or licensed by the State. A group home or community living arrangement may include a group home, foster home or intermediate care facility.
Habitable Space	Space in a building for living, sleeping, eating or cooking. Bathrooms, toilets, hallways, storage areas, closets or utility rooms are not considered habitable spaces. Habitable space is conditioned and provides access to natural light and air.
Home Occupation or Business	A home-based business is a business, profession, occupation, or trade undertaken for gain or profit which (a) is secondary to the use of the dwelling for residential purposes; (b) is wholly carried on within a dwelling or accessory structures; (c) is carried on by a resident of the dwelling; and (d) uses no more than 50% of the dwelling's floor area or the total combined floor area of the dwelling and accessory structures in which the business is carried out. The difference between a minor home-based business and a major home-based business is determined by number of employees, amount of traffic generated, need for parking and sq footage of operation (see performance standards).

Hotel	A building containing individual sleeping rooms or suites. Each room includes a private bathroom for toileting and bathing. The hotel is for the purpose of providing lodging facilities to the public for compensation with or without meals, excluding accommodations for employees, and in which ingress and egress to and from all rooms is made through an interior hallway. These accommodations cannot meet the definition of a dwelling unit.
Incompatible Use	A use or activity that creates a conflicting demand on current and reasonable uses of an adjacent property.
Junkyard	<p>A yard, field or other area used as a place of storage for:</p> <p>Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture.</p> <p>Discarded, scrap and junked lumber.</p> <p>Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.</p>
Kennel	An establishment for the keeping, breeding or boarding of more than three dogs and/or cats which are more than six months old.
Landscaping Business	<p>On-site and off-site business activities related to planting, bed preparation, installation of landscape materials, and attendant maintenance activities. A small landscaping services business may have no more than four employees, including the owner, while a large landscaping services business may have any number of employees. Landscaping includes:</p> <ul style="list-style-type: none"> A. Raising, planting, and caring for plants, shrubs, and trees; B. Mowing, irrigation, raking, rolling and reseeding of lawns; C. The application of fertilizers, pesticides, herbicides, and disease-control agents. D. Construction and maintenance of landscaping features, such as flower beds, patios, fountains, and decorative pools; and E. Snow removal.
Living Space	Enclosed space used as dwelling unit. Conditioned, three season porches are included in this definition.
Local Streets	Roadways that directly serves abutting properties.

Long Term Affordability	<p>Title 30-A §4364 (3)</p> <p>Before granting final approval of an affordable housing development, including but not limited to issuing an occupancy permit, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:</p> <p style="padding-left: 40px;">A. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and</p> <p style="padding-left: 40px;">B. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.</p>
Lot Area	The total horizontal area within the lot lines.
Lot of Record	A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Penobscot County Register of Deeds.
Lot Lines	<p>The lines bounding a lot as defined below:</p> <p><u>Front Lot Line</u> – On an interior lot, the line separating the lot from the street. On a corner or through lot, the line separating the lot from either street</p> <p><u>Rear Lot Line</u> – The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.</p> <p><u>Side Lot Line</u> – Any lot line other than the front lot line or rear lot line.</p>
Manufactured	A structural unit or housing units designed for occupancy, constructed in a manufacturing facility, and then transported by its own chassis or placement on an independent chassis to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim.

Mobile Home	<p>A type of manufactured unit constructed after June 15, 1976, commonly called a "newer mobile home," that the manufacturer certifies is constructed in compliance with the United States Department of Housing and Urban Development standards. It is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, including plumbing, heating, air conditioning, and electrical systems contained therein.</p> <p>Manufactured housing which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, including plumbing, heating, air conditioning, and electrical systems contained therein. (Original)</p>
Mobile Home Park	Any parcel of land, which contains, or is designed, laid out, or adapted to accommodate three or more mobile homes. Nothing herein shall be construed to apply the term "Mobile Home Park" to any premises used solely for storage or display of mobile homes.
Modular Home	A unit that the manufacturer certifies is constructed in compliance with <u>Title 10</u> , Chapter 951 and rules adopted under that chapter, meaning a structure, transportable in one or more sections, that is not constructed on a permanent chassis and is designed to be used as a dwelling on a foundation when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.
Motel	A building or group of buildings which contain toileting, bathing and sleeping accommodations used regularly, seasonally, or occasionally for transient occupancy. Ingress and egress to and from these accommodations leads directly outdoors. These accommodations cannot meet the definition of a dwelling unit.
Multi-Family Structure	A building or portion principally designed, adapted, or used for occupancy by three or four families, each living in its own separate quarters. Each individual unit which functions as a separate living quarter shall be deemed to be a dwelling unit.
Multi-Family Housing Project	A project consisting of multi-family structures or three or more dwelling units which may be a combination of detached or attached.

Nursing Home	A facility which is operated in connection with a hospital, or in which nursing care and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery in the state, for the accommodation of convalescent or other persons who are not acutely ill and not in need of hospital care but who do require skilled nursing care and related medical services. The term "nursing home" shall be restricted to those facilities, the purpose of which is to provide skilled nursing care and related medical services for a period of not less than 24 hours per day to individuals admitted because of illness, disease or physical or mental infirmity and which provide a community service.
Occupancy Limits	<p>There will be no more than two (2) adults sharing a bedroom. The number of people occupying a dwelling must be afforded the followed space:</p> <p>All bedrooms with one person should have at least 75 square feet. Shared bedrooms must have at least 50 square feet per person. Kitchens and other non-habitable rooms cannot be used as a bedroom. Every unit should have an overall occupant limitation based on its overall size:</p> <ul style="list-style-type: none"> • 1-2 occupants: must have at least 120 square feet living room area. • 3-5 occupants: must have at least 120 square feet living room area and 80 square feet dining room area. • 6 or more occupants: must have at least 150 square feet living room area and 100 square feet dining room area. <p>Dwellings that have more than the appropriate number of occupants based on the size can be classified as unlawful structures and may be subject to fines if the situation is not corrected.</p>
Open Porch	An unheated, open-air deck or stoop attached to a building which may only be enclosed by a roof and railings not exceeding 42 inches in height above the floor. Open porches may not be enclosed by screens or windows.
Open Space	A lot or parcel of land, or portion thereof, not eligible for development because of a conservation easement, deed restriction, or other instrument which ensures the land's protected state in perpetuity, that is solely intended for the preservation of open space, protection of sensitive habitats, or other conservation goals. This lot or parcel may be, but is not required to be, identified on an approved subdivision plan.
Owner/Operator Managed	Enterprises or establishments that are required by the Land Use Ordinance to be operated by the property owner or an operator hired by the business/property owner. The standing of the operator to manage the business, establishment or enterprise must be documented, such as a contract or other verification of employment.

Parking Space	A parking space shall be an area adequate for parking an automobile with room for opening doors on both sides. Such a space shall measure at least 9 feet wide by 18 feet long.
Personal Services Establishment	An establishment providing personal, nonmedical services to individuals, such as beauty parlors, barbers, tanning salons, nail salons, or similar services, which customarily operates based on scheduled appointments
Place of Worship	A building, together with its accessory structures and uses, where persons regularly assemble for religious worship and which building, together with its accessory structures and uses, is maintained and controlled by a religious body organized to sustain public worship.
Premises	One or more lots which are in the same ownership and are contiguous or separated only by a water body, including all buildings, structures, and improvements.
Principal Structures	“Principal structure” means a structure in which the main or primary use of the structure is conducted. For purposes of compliance with the Maine Department of Economic and Community Development, Chapter 5, <i>Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule</i> , “a principal structure does not include commercial buildings.”
Principal Use	The primary purpose to which the premises and structures are devoted, and the main purpose for which the premises exist. Examples of principal structures include a single-family residence, an auto service station, a school.
Residential Use	“Residential use” means a use permitted in an area by a municipal legislative body to be used for human habitation. Residential uses may include single-family, duplex, and other multifamily housing; condominiums; and apartments. For purposes of this rule, the following uses are not included under this definition: (1) Dormitories; (2) Congregate living facilities; (3) Campgrounds, campsites, hotels, motels, beds and breakfasts, or other types of lodging accommodations; and (4) Transient housing or short-term rentals.
Restaurant	A place regularly used for the purpose of providing food for the public, and which has adequate and sanitary kitchen equipment and capacity for preparing and serving suitable food for the public.
Restrictive Covenant	A provision in a deed, or other covenant conveying real property, restricting the use of the land.
Rooming House	See Boarding House
Sales Area	The area where goods are displayed for sale and the public has access.
Screening	Is either: <ul style="list-style-type: none"> • A hedge or buffer strip consisting of densely planted shrubs or trees. • A wall or fence that provides an effective visual barrier.

Short-Term Rental	The use, control, management or operation of a legally existing dwelling unit, in whole or in part, for dwelling, sleeping or lodging purposes for fewer than thirty (30) consecutive days to the same person or persons and for compensation, directly or indirectly. Short-term rentals do not include motels, hotels, bed and breakfasts or inns.
Setback requirements	The minimum horizontal distance from the nearest part of a structure to a lot line, a well, septic system, road or waterbody including the buildings, wells, septic systems or waterbodies on abutting properties.
Structure	Anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, but not limited to, buildings, mobile homes, retaining walls, billboards, signs, piers and floats. It does not include fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.
Structure Height	The vertical distance from the top of the highest roof beams of a flat roof or the mean level of the highest gable or slope of a hip roof to the average grade adjoining the building footprint prior to construction. If a structure doesn't have a roof, the height would be the highest point of the structure, or anything affixed to it.
Substantially Complete	Weather tight to include windows, doors, roof, exterior protection (Tyvar, Tyvec, etc)
Tiny Home	<p>A dwelling unit permanently constructed on a frame or chassis that may be placed on a foundation and designed for use as a permanent single-family home or an accessory dwelling unit that:</p> <ol style="list-style-type: none"> 1. Complies with American National Standards Institute Standard A119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association Standard 1192 on plumbing, propane and fire and life safety for recreational vehicles. 2. Does not exceed 400 square feet in footprint; and 3. Does not exceed any dimension allowed for operation on a public way per 29-A M.R.S.A. §2380. "Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle, or mobile home. If a "tiny home" is constructed on wheels, it must be without motive power and must be approved by the Department of Motor Vehicles for highway operation and safety. 4. "Tiny home" does not include a trailer, semi-trailer, camp trailer, recreational vehicle, or manufactured housing.
Tiny Home Park	A lot containing three or more tiny homes.

Transitional Housing	Housing that is provided short-term (24 months or less) for various individuals where occupancy is anticipated for the duration of a month or more in association with a program of supportive services for the residents.
Transient occupancy	Mean occupancy that does not exceed 120 days in a calendar year.
Use	The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

Article 1800 Housing Opportunity Supplement

1. This section of the Town of Bradford Land Use Ordinance is intended to meet the requirements of LD 2003; LD 1706 and rule, 19-100 CMR Ch 5, *Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule*. The intent of compliance with State of Maine statute and rule is to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.
2. The Department of Economic and Community Development (DECD) Rule and this ordinance do not:
 - a) Abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this rule, as long as the agreement does not abrogate rights pursuant to the United States Constitution or the Constitution of Maine.
 - b) Exempt a subdivider from the requirements in Title 30-A Chapter 187 subchapter 4.
 - c) Exempt an affordable housing development, a dwelling unit, or accessory dwelling unit from the shoreland zoning requirements established by the Department of Environmental Protection pursuant to Title 38 Chapter 3 and municipal shoreland zoning ordinances.
 - d) Abrogate or annul minimum lot size requirements under Title 12 Chapter 423-A.

1801 Affordable Housing and Density Bonus

- A. Municipalities with designated growth areas, areas that allow multi-family housing and density requirements, e.g., zoning, defined lot sizes and setbacks, must adopt additional density requirements for affordable housing developments.

The law establishes the municipal role in statewide housing production goals established by the DECD. Section § 4364-C and provides that a municipality:

- Shall ensure local ordinances and regulations are designed to “affirmatively further” the purposes of the federal Fair Housing Act (FHA) and the Maine Human Rights Act (MHRA) to achieve the statewide or regional housing production goals.
- May establish and enforce *short-term rental regulations* to achieve housing production goals.

B. Section 4364 governs affordable housing developments approved on or after July 1, 2024. Under this section, a municipality that has adopted “**density requirements**” is required to authorize a “**density bonus**” for eligible “**affordable housing developments**” constructed in specified areas in the municipality.

C. A proposed Affordable Housing Development is entitled to a density bonus if it:

1. Meets the definition of an “affordable housing development” in § 4364(1) and the DECD Rule and this Ordinance (which includes specific income limits for rental or owner occupied developments).
2. Is in a “designated growth area,” as defined by the law and DECD Rule or is served by public water and sewer.
3. Is in any area in the municipality where multi-family dwellings are allowed. Multi-family structures and dwellings are defined in this ordinance.
4. Meets the state subsurface wastewater disposal system minimum lot size requirements (12 M.R.S. Ch. 423-A).
5. Complies with state and local shoreland zoning requirements (if the proposed development will be in the shoreland zone).
6. The owner of the development provides written verification that the affordable housing units will meet the water and wastewater system requirements outlined in Title 30-A §4634(5).
7. The owner of the development executes and records a restrictive covenant in the registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, ensuring that the development will remain affordable, as defined by the law, for at least 30 years. See Title 30-A § 4364(3) for affordability criteria. See also, “long term affordability,” in the definitions section of this ordinance.

D. Bradford is subject to the affordable housing density bonus; therefore, the following must be applied:

1. Eligible affordable housing developments must be granted a dwelling unit “density bonus” of at least 2.5 times the base density otherwise allowed by municipal ordinance in that location.
 2. No more than two off-street parking spaces for every three units in an eligible affordable housing development can be required. If fractional results occur when calculating off-street parking requirements, the number of necessary parking spaces is rounded up to the nearest whole number.
- E. Affordable Housing Developments in Bradford – Requirements and Process:
1. The process for submission and review of applications for an Affordable Housing Development project will be done in accordance with the requirements of the Bradford Land Use and Subdivision Ordinances; however, the dimensional requirements for an Affordable Housing project may be adjusted during Planning Board review to accommodate the density bonus.
 2. The minimum lot size for a multi-family structure in Bradford is two acres. The resulting lot size for additional dwellings resulting from application of the density bonus cannot result in lots that are less than the minimum lot size required by the State under Title 12, Chapter 423-A.
 3. All dwelling units must meet the requirements of a “dwelling unit” as defined in the *Bradford Land Use Ordinance*.
 4. Verification of an adequate subsurface wastewater system and a source of potable water must be provided to the CEO or Town appointed designee qualified as a plumbing inspector.
 - a) If a dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of approval and payment for the connection to the sewer system.
 - b) If a dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules* adopted under Maine Title 22, §42.
 - c) If a dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of approval and payment for the connection and the volume and supply of water required for the unit; and
 - d) If a dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. An existing well or proposed well must be

tested to verify that the water supply is potable and has sufficient capacity to support the attached dwelling units and is acceptable for domestic use.

5. The Town Attorney will review and approve the restrictive covenants required for an Affordable Housing project as required by Title 30-A, 4364 (3) and defined in this Ordinance to ensure long-term affordability of the units. The developer will be required to cover the cost to the Town for the legal review.
6. The Town will work with the Maine State Housing Authority to administer and enforce restrictive covenants related to state and federal housing laws.

1802 General - Accessory Dwelling Units and Additional Dwelling Units:

- A. If a lot owner builds four Additional Dwelling Units on a lot in the growth area, addition of an Accessory Dwelling Unit will not be permitted.
- B. The Town of Bradford has the discretion to determine whether a proposed housing structure is an Accessory Dwelling Unit or an Additional Dwelling Unit.
- C. If a property owner adds three (3) or more Additional Dwelling Units to a tract of land within a five-year period, the requirements of the Subdivision Ordinance may be triggered.
- D. If a property installs a total of three Tiny Homes (as defined in this ordinance), mobile homes, or combination thereof as dwelling units, the property is subject to the application of Bradford's Manufactured Housing Safety Ordinance.

1803 Accessory Dwelling Unit (ADU) 30-A M.R.S.A §4364-B

- A. Eligibility for an Accessory Dwelling Unit:
 1. An Accessory Dwelling Unit (ADU) shall be allowed on any lot having an existing single-family home if certain conditions are met. The single-family home will be considered the principal dwelling unit. This includes a lot where the existence of a single-family dwelling has a conditional use.
 2. An Accessory Dwelling Unit shall be allowed on a non-conforming lot with an existing single-family dwelling so long as the Accessory Dwelling Unit does not increase the nonconformity. In other words, the Accessory Dwelling Unit does not make worse the deviation from the dimensional standard(s) which produced the nonconformity, excluding lot area.
 3. A building permit for a new single-family home may include an ADU if the provisions of this section are met, and the building conforms to all the dimensional requirements for the zone in which it will be built. An ADU may be included in a new home constructed on a lawful nonconforming lot of record.

4. An ADU built prior to July 1, 2024, but without municipal approval, will be allowed if the ADU otherwise meets the requirements for ADUs in the Town of Bradford.
5. An Accessory Dwelling Unit may not be subject to any additional motor vehicle parking requirements beyond the parking requirements of the single-family dwelling unit.
6. Accessory Dwelling Units are not subject to the requirements of the growth management ordinance.

B. Conditions: An Accessory Dwelling Unit shall be permitted under the following conditions:

1. **Setbacks:**
 - a) Only one Accessory Dwelling Unit (ADU) is permitted per lot. The ADU must meet the same setback requirements as the principal dwelling unit.
 - b) The ADU may be in the same building as the single-family dwelling unit; in a building attached or sharing a wall with the principal dwelling unit; or as a separate dwelling unit on the lot. Any structure containing an Accessory Dwelling Unit must meet minimum setback requirements for principal structures.
2. **ADU Requirements:**
 - a) The ADU must have an exterior door that allows the occupants to enter or exit without going through the principal dwelling. All Accessory Dwelling Units must meet the State of Maine Life/Safety codes.
 - b) The Accessory Dwelling Unit must have a separate 911 and mailing address from the principal dwelling unit.
 - c) The property owner must occupy either the principal dwelling unit or the ADU as their principal residence, and at no time receive rent for the owner-occupied unit. Principal residence must be proven by voter registration or other evidence acceptable to the CEO.
 - d) The property owner must have a legal or equitable ownership interest in the property and bear all or part of the economic risk of decline in value of the property and who receives all or part of the remuneration, if any, derived from the lease or rental of the dwelling unit.
 - e) The Accessory Dwelling Unit may be rented so the owner-occupant may benefit from additional income. The owner may also elect to occupy the Accessory Dwelling Unit and rent the principal dwelling

unit. Rental of either the Accessory Dwelling Unit or the Principal Dwelling Unit must be registered with the Code Enforcement Officer annually.

- f) The Accessory Dwelling Unit may be used as a short-term rental unit in accordance with the Bradford Town Ordinance for Short-Term Rental Units. The property owner must register the use of either the principal dwelling or Accessory Dwelling Unit as a Short-term Rental unit with the Code Enforcement Officer annually. A Short-term Rental unit is defined in the *Bradford Land Use Ordinance*.
- g) The minimum square footage for an ADU is 190 *habitable* sq. ft. Habitable space is defined in this ordinance. The minimum square footage is subject to change if the Technical Building Code and Standards Board, pursuant to 10 M.R.S. Section 9722, adopts a different minimum standard. If so, that standard will apply. The maximum gross floor area of an ADU shall be the lesser of 100% of the square footage of the principal dwelling or 2,500 sq. ft. The ADU must meet the definition and requirements of a *dwelling unit* as defined in this ordinance.
- h) The property owner wishing to build an Accessory Dwelling Unit must provide written verification of services prior to obtaining a building permit. Verification of an adequate subsurface wastewater system and a source of potable water must be provided to the CEO or Town appointed designee qualified as a plumbing inspector. Written verification must include the following:
 - 1) If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of approval and payment for the connection to the sewer system.
 - 2) If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
 - 3) If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of approval and payment for the connection and the volume and supply of water required for the unit; and
 - 4) If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. An existing well or proposed well must be tested to verify that the water supply is potable and acceptable for domestic use.

- i. Occupancy of an ADU shall be in accordance with the definition of *occupancy limits* contained in this ordinance. Increased occupancy limits may be granted after application to the Code Enforcement Officer (CEO) and inspection of the dwelling unit by the CEO and fire chief or designee.
- j. The Code Enforcement Officer may inspect an Accessory Dwelling Unit, with or without complaint with a minimum of 48 hours of receipt of notice of inspection to the property owner to ensure compliance with the ordinance. If the CEO is denied access to the property for inspection, the building permit or occupancy permit may be cancelled, and the property owner may be subject to fines and legal action. Any property owner found in violation of this section shall have 30 days from the date of written notice to correct such violation. Failure to correct the violation may subject the property owner to legal action, penalties and remedies.

C. Required Deed Changes and Transfer of Ownership:

1. To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the county registry of deeds a covenant in a form acceptable to the town attorney that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling by a person who owns the property. It is also required that any owner of the property must notify a prospective buyer of the limitations of this section. Verification of the deed changes must be provided to the CEO.
2. When any property containing an Accessory Dwelling Unit is sold or transferred, the new owner must continue to meet the requirements of this Section to continue the use of the Accessory Dwelling Unit. Should the new owner not meet the requirements of this section, the use of the unit must be discontinued. However, any lease in effect at the time of transfer may be continued until it expires or up to one year from the date of the transfer, whichever is shorter.

D. Reporting and Record Keeping:

The Code Enforcement Officer shall prepare a biennial report to the planning board on Accessory Dwelling Units which will include:

- The number of units established.
- The geographic distribution of the units; and
- The average size of the units.
- The number of units registered as Short-Term Rentals

- E. Application Process to Construct an Accessory Dwelling Unit
1. The Code Enforcement Officer (CEO) will accept applications for an Accessory Dwelling Unit; review plans, issue building permits and verify the ADU meets all ordinance requirements. The Planning Board will not act on applications for an ADU.
 2. If an applicant disagrees with a determination by the CEO, the applicant can appeal the decision to the Board of Appeals.
 3. The application process and timeframes will be in accordance with Section 1020, A-D of the Land Use Ordinance. In addition to the application attachments in paragraph 1020 C, the applicant must provide a copy of the deed to document there are no restrictions or covenants on the property.
 4. Upon completion of the Accessory Dwelling Unit, the CEO will conduct an inspection before issuing an occupancy permit in accordance with the Bradford Land Use Ordinance, Section 1030 paragraphs A and B.

1804 Additional Dwelling Unit 30-A M.R.S.A. § 4364-A

A. General

1. Additional Dwelling Units on lots where housing is allowed beginning on July 1, 2024, must be permitted subject to the requirements below. Private, state, or local standards such as homeowners' association regulation, deed restrictions, lot size, set back, density, septic requirements, minimum lot size, additional parking requirements, growth ordinance permits, shoreland zoning and subdivision law, may also apply to lots.
2. Additional Dwelling Units may be separate units or within one structure.
3. Additional Dwelling Units constructed on lots with an existing dwelling unit may be attached or detached from the existing dwelling.
4. If a property uses a total of three Tiny Homes (as defined in this ordinance), mobile homes, or combination thereof as dwelling units, the property is subject to the requirements of the Bradford Manufactured Housing Safety Ordinance.
5. All Additional Dwelling Units must have individual 911 and mailing addresses.

B. Permitted number of Additional Dwelling Units per lot under certain conditions:

An Additional Dwelling Unit may be allowed on any lot permitting residential use as follows:

1. If a lot is in a designated growth area and **does not contain an existing dwelling**

unit, up to four (4) dwelling units may be allowed per lot. The designated growth areas in Bradford are the Village and Mixed Residential districts.

- a) The number of Additional Dwelling Units allowed is contingent on whether the lot meets the requirements in Title 12 M.R.S. Ch 423-A.
 - b) The addition of four Additional Dwelling Units is prohibited if a dwelling unit in existence after July 1, 2024, is torn down and an empty lot results. In this circumstance, the lot is still considered to have a single dwelling unit.
 - c) A lot may be considered vacant even though it has a commercial building or other structure besides a dwelling unit on it.
2. If a lot **does not have an existing dwelling unit**, two (2) additional dwelling units per lot may be allowed provided:
- a) The lot is in an area allowing residential housing, including as a conditional use.
 - b) The lot is **not** located in a designated growth area, such as the Village or Mixed Residential districts.
 - c) A lot may be considered vacant even though it has a commercial building or other structure on it.
 - d) The number of Additional Dwelling Units allowed is contingent on whether the lot meets the requirements in Title 12 M.R.S. Ch 423-A.
3. A lot **with one existing dwelling unit** is allowed, up to two (2) Additional Dwelling Units under certain conditions. The Additional Dwelling Units may be within or attached to the existing dwelling unit; may be detached from the existing structure; may be within one structure or separate structures. The number of Additional Dwelling Units allowed is contingent on whether the lot meets the requirements in Title 12 M.R.S. Ch 423-A.
4. If a lot **contains two existing dwelling units**, no additional dwelling units may be built on the lot. Combinations of two existing dwelling units includes:
- a) a principal dwelling unit and an Additional Dwelling Unit
 - b) the presence of a Duplex or other multifamily dwelling unit.

C. Conditions for Additional Dwelling Units

An Additional Dwelling Unit shall be permitted under the following conditions:

1. Additional Dwelling Units will require the same lot size and must meet the same setbacks as those applied to a single-family dwelling. For example, if the minimum lot size needed for a single-family dwelling is one acre, each Additional Dwelling Unit built will require an additional acre thereby increasing the lot size required to two acres. Furthermore, the Additional Dwelling Unit must meet the same setback requirements as required for a single-family dwelling.
2. The Additional Dwelling Unit must have an exterior door that allows the occupants to enter or exit without going through an attached dwelling. All Additional Dwelling Units must meet the State of Maine's Life/Safety

codes.

3. The Additional Dwelling Unit must meet the definition and requirements of a *dwelling unit* as defined in this ordinance.
4. Occupancy of an Additional Dwelling Unit shall be in accordance with the definition of *occupancy limits* and *habitable space* contained in this ordinance. Increased occupancy limits may be granted after application to the Code Enforcement Officer (CEO) and inspection of the dwelling unit by the CEO and fire chief or designee.
5. The property owner wishing to build an Additional Dwelling Unit must provide written verification of services prior to obtaining a building permit. Verification of an adequate subsurface wastewater system and a source of potable water must be provided to the CEO or Town appointed designee qualified as a plumbing inspector. Written verification must include the following:
 - a) If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of approval and payment for the connection to the sewer system.
 - b) If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
 - c) If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of approval and payment for the connection and the volume and supply of water required for the unit; and
 - d) If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. An existing well or proposed well must be tested to verify that the water supply is potable and has sufficient capacity to support the attached dwelling units and is acceptable for domestic use.
6. The property owner must own the Additional Dwelling Units on the lot. Leasing or renting the *land* to a person or entity to build a dwelling or set-up a tiny home or mobile home for the purpose of habitation is prohibited. However, the property owner may rent or lease the Additional Dwelling Units to tenants. Use of the Additional Dwelling Unit as rental property must be registered with the CEO. Property owners are not permitted to advertise or use Additional Dwelling Units as Short-term rentals, as defined in this ordinance, until five (5) years after construction.

7. The Code Enforcement Officer may inspect an Additional Dwelling Unit, with or without complaint with a minimum of 48 hours of receipt of notice to the property owner for inspection to ensure compliance with the ordinance. If the CEO is denied access to the property for inspection, the building permit or occupancy permit may be cancelled, and the property owner may be subject to fines and legal action. Any property owner found in violation of this section shall have 30 days from the date of written notice to correct such violation. Failure to correct the violation may subject the property owner to legal action, penalties and remedies.
8. Additional Dwelling Units must have a road or driveway accessible by emergency vehicles.

D. Required Deed Changes and Transfer of Ownership:

1. To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the county registry of deeds a covenant in a form acceptable to the town attorney of the existence of Additional Dwelling Unit (s) on the property permitted by 30-A M.R.S Section 4364-A. Furthermore, the property owner must notify a prospective buyer of the limitations of this section. Verification of the deed changes must be provided to the CEO.
2. When any property containing an Additional Dwelling Unit is sold or transferred, the new owner must continue to meet the requirements of this Section to continue use of the Additional Dwelling Unit. Should the new owner not meet the requirements of this section, the use of the dwelling unit must be discontinued. However, any lease in effect at the time of transfer may be continued until it expires or up to one year from the date of the transfer, whichever is shorter.

E. Reporting and Record Keeping:

The Code Enforcement Officer shall prepare a biennial report to the Planning Board on Additional Dwelling Units which will include:

- The number of units established.
- The geographic distribution of the units; and
- The average size of the units.

F. Application Process to Construct an Additional Dwelling Unit

1. The Code Enforcement Officer (CEO) will accept applications for all Additional Dwelling Units; review plans, issue building permits and verify that the Additional Dwelling Unit meets all ordinance requirements. The CEO may approve a single Additional Dwelling Unit if it is attached to a single-family dwelling and otherwise meets ordinance requirements. If necessary, the CEO will refer the request for Additional Dwelling Units to the Planning Board for approval.

2. The Planning Board will review requests for two or more Additional Dwelling Units on a property to determine if the requirements of the Bradford Land Use Ordinance Section 1210 (Lot Dimensions, road frontage and setbacks); Sections 1270 (Buffer Strip requirements); and 1280 (Road entrances, curb cuts and driveways) are met in addition to ordinance requirements for Additional Dwelling Units. The addition of four Additional Dwelling Units on an empty lot may trigger application of the Bradford Subdivision Ordinance.
3. Planning Board approval is required for any Additional Dwelling Unit proposed for establishment in commercial or industrial garages or buildings as that may constitute a change in use.
4. The application process and timeframes will be in accordance with Section 1020, A-D of the *Bradford Land Use Ordinance*. In addition to the application attachments in paragraph 1020 C, the applicant must provide a copy of the deed to document there are no restrictions or covenants on the property.
5. Upon completion of the Additional Dwelling Unit, the CEO will conduct an inspection before issuing an occupancy permit in accordance with Section 1030 Paragraphs A and B of the *Bradford Land Use Ordinance*.
6. All Additional Dwelling Units must have a driveway or road accessible by emergency vehicles.

Noted Clauses:

1. **EFFECTIVE DATE:** The effective date of this Ordinance shall be the day it is adopted by vote of the legislative body of the Town of Bradford
2. **REPEAL OF CONFLICTING ORDINANCES:** The Building Permit Ordinance adopted 03/19/1987, the Minimum Lot Size Ordinance adopted 03/17/2001, the Safety Inspection Ordinance for Mobile Homes adopted 09/02/2004, and all amendments thereto, are hereby repealed. Provided however, that the repeal of said Ordinances shall not preclude the prosecution of any violations thereof that occurred on or before the effective date of repeal.
3. **SECTION 1320 REVISION:** The following language was replaced by the revision approved by voters June 8, 2021: *[All plumbing facilities in the Town of Bradford and all sewage disposal systems shall be installed and operated in compliance with the State of Maine Plumbing Law.*

Plumbing and sewage disposal systems shall be installed only after a Plumbing permit has been obtained.]
4. The following reflect changes ***approved by the Legislative Body at a special town meeting held June 26, 2024.*** The purpose of the LUO changes was to comply with State requirements to provide affordable housing, accessory and additional dwellings (associated with LD 2003):

- a. Article 1000, Table 1005: Accessory Dwelling and Additional Dwellings added
- b. Section 1120; Article 1200; Article 1360 – References to “mobile home park” changed to “mobile/tiny home park.”
- c. Section 1210 C modifies setbacks to allow application of a “density bonus” for affordable housing.
- d. Section 1210 D references the Housing Opportunity Supplement for the placement of Additional and Accessory Dwelling Units.
- e. Definitions in table 1710 (formerly 1610) either modified or added for the following: Abutter, Accessory Use or Structure, Accessory Dwelling Unit, Additional Dwelling Unit, Affordable House Development, Agriculture, Area median income, Apartment building, Automotive Graveyard, Attached dwelling, Auto repair shop, Auto Service, Retail; Bathroom, Bed and Breakfast, Boarding home or house, Campground or camper park, Campground – private; Clinic, medical or dental facility, Commercial Use, Community service organization, Conditioned space, Congregate housing, Cooking facilities, Deck/porch, Designated growth area, Duplex, Dwelling Unit, Dwelling, multi-family, Dwelling unit-primary, Family, Foundation, Gaming facility, Gasoline Service Station, Gross Floor Area, Ground Floor Area, Group home, Habitable space, Home occupation or business, Hotel, Junkyard, Landscaping business, Long term Affordability, Mobile home, Modular home, Motel, Multi-Family Structure, Multi-family housing project, Nursing home, occupancy limits, Open porch, Open space, Owner/operator managed, Personal services establishment, Place of worship, Principal structure, Residential use, Restaurant, Restrictive covenant, Rooming house, Sales area, Short-term rental, Setback requirements; Structure, Structure height, Tiny home, Tiny home park, Transitional housing, transient occupancy.
- f. Article 1800 Added – Housing Opportunity Supplement.