

**ZONING ORDINANCE**

for the

**TOWN OF CAMBRIDGE, MAINE**

Enacted by the town March 4, 2023

Certified copy, attested

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Town Clerk

## **SECTION I**

### **A. AUTHORITY AND PURPOSE**

This Ordinance is adopted per Article VIII, Part 2, Section 1, of the Constitution of the State of Maine (Municipal Home Rule, and Title 30A S3001). This section complies with the requirements of the Maine Revised Statutes Annotated, Titles, 1, 12, 17, 30A, 33, AND 38.

The purpose of this Ordinance, prepared pursuant to and consistent with the Cambridge Comprehensive Plan, 1988 Amended, is to promote the health, safety, and general welfare of the residents of the Town; and

To encourage the most appropriate use of land throughout the Town by controlling building sites and land uses; and

To promote traffic safety and safety from fire and other elements; provide adequate light and air; prevent overcrowding of real estate; and

To promote a wholesome home environment; prevent housing development in unsanitary areas; provide an adequate street system and public services; promote the coordinated development of unbuilt areas; encourage the formation of community units; provide an allotment of land area in new developments sufficient for all requirements of community life.

### **B. APPLICABILITY**

This Ordinance shall apply to all land uses and structures within the Town of Cambridge with special emphasis on the-shoreland area as defined hereinafter.

### **C. EFFECTIVE DATE**

March 4, 2023 is the effective date of this Ordinance, by a vote of the Town at the 2023 annual Town Meeting. A certified copy of the Ordinance shall be filed with the Municipal Clerk of the Town of Cambridge.

### **D. VALIDITY AND SEVERABILITY**

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

## **E. CONFLICTS WITH OTHER ORDINANCES**

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

## **F. AMMENDMENTS**

This Ordinance may be amended by vote of the Town.

## **SECTION II**

### **A. CRITERIA FOR ESTABLISHING DISTRICTS**

The boundaries of the zones shall be as defined by vote of the Town, and shall appear on the Official Town Map prepared by the Planning Board. The boundaries of the Shoreland Zoning Overlay District shall be defined by the current Shoreland Zoning ordinance of the Town, and requirements for land usage within this Shoreland Zoning Overlay District shall take precedence over any regulations set forth in this Ordinance.

### **B. ESTABLISHMENT OF DISTRICTS**

There shall be two Districts in the Town of Cambridge, to be termed the Urban Residential, Agricultural, Commercial District, (U/R/A/C) and the Rural, Residential, Agricultural, Commercial District, (R/R/A/C) respectively, bounded and labeled as described in paragraph 1 of this section.

## **SECTION III**

### **A. LOT USE**

**1. FRONTAGE.** No dwelling is to be constructed, located, or relocated on a lot having frontage of less than 250 contiguous feet. Frontage shall be on a public or private road or way which does not intersect with property on which the building is located. Flag lots are permitted as follows:

- a. Flag lots defined. A flag lot is herein defined as any lot which conforms in all other respects to setback, size, and length to width ratios for a building lot, but which is reached by means of a private way, that the owner owns and is held in the same interest as said parcel, to public ways. The private way must conform to requirements set forth in this ordinance.
- b. Contiguous private ways to flag lots are prohibited.

## **2. DIVISION OF EXISTING LOTS.**

In dividing a lot or parcel of land where a residence or business exists, it shall be mandatory to retain enough land so that the existing residence or business will have the same road frontage, setbacks, and area as is required by the Ordinance for a new installation.

## **3. LOT SIZE.**

No building or mobile home intended as a dwelling shall be constructed or located on a lot of less than 4 acres in the R/R/A/C zone, or 2 acres in the U/R/A/C zone. Only one single family dwelling is permitted per 4 acre lot in the R/R/A/C zone, and only one single family dwelling is permitted per 2 acre lot in the U/R/A/C zone. These areas shall be calculated without including area added by any rights-of-way. The depth of the lot shall not exceed four times the width. For oddly shaped (non-rectangular) lots, the maximum perpendicular axes shall be used to compute this ratio. For flag lots, the right-of-way to the lot shall not be included in this computation.

## **B. PROHIBITED USES**

The following activities are prohibited in both the U/R/A/C and R/R/A/C zones:

1. Construction of facilities for handling, storage, or incineration of solid or liquid waste not generated within the Town Boundaries;
2. The removal of more than 20 cubic yards of topsoil for sale within one year, except when such removal or displacement is for purposes of lot preparation for construction, unless all state regulations applicable to gravel pit operations are fulfilled, to ensure that enough topsoil remains to prevent erosion and to allow for successful reseeded, such reseeded being mandatory and which must occur within 30 days of the time the removal is finished;
3. Aerial spraying of herbicides or insecticides whether for agricultural or silvicultural purposes;
4. Operation of automobile graveyards / junkyards, as defined under MRSA Title 30-A Sections 3 751-3 760 ;
5. Industrial salvage yards;
6. Reclamation by filling of lands within the 100 year flood plain region as identified by the Federal Emergency Management Agency of the Department of Housing and Urban Development, Flood Insurance Administration.

### **C. LAND NOT SUITABLE FOR DEVELOPMENT.**

Land described in this section will not be used in calculation of minimum lot areas for issuance of building permits as described in the Building Code Ordinance. Use is restricted to camping, recreational, agricultural, and timber harvesting activities.

1. Land which is situated below the normal high water mark of any body of water.
2. Land which is located within the 100 year frequency flood plain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the developer shows proof through the submittal of material prepared by a Registered Land Surveyor which shows that the property in question lies at least two feet above the 100 year flood level.
3. Land which is part of a right-of-way, or easement, including utility easements.

### **D. NON-CONFORMING USES**

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this and all other applicable local Ordinances.

## **SECTION IV**

### **A. ENFORCEMENT**

All matters of land usage within the Town of Cambridge will be under the scrutiny of the Code Enforcement Officer for compliance with this Ordinance. Problems in interpretation of this ordinance will be referred by the Code Enforcement Officer to the Appeals Board for resolution.

### **B. PENALTY FOR VIOLATION.**

Any person or persons, firm or corporation owning or having control of any land, or other persons such as subcontractors who assist in the violation of this Ordinance, shall be guilty of a civil violation, and upon conviction thereof shall be fined a minimum of \$100 and a maximum of \$2500 for each offense. The Code Enforcement Officer, acting in accordance with his duties and responsibilities in connection with the enforcement of this Ordinance, shall serve written notice on the owner(s), or others assisting, of such violation or violations. When this action does not result in the correction or abatement

of the violations, the Municipal Officers are hereby authorized and directed to institute any and all actions and proceedings, 'whether legal or equitable, seeking injunctions of violations and impositions of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Cambridge. Each day of continuance of the violations shall constitute a separate offense.

**C The Powers and Duties of the Appeals Board shall be as follows:**

- 1. Administrative Appeals:** To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.
- 2. Variance Appeals:** To authorize variances upon appeal, under the following condition and limitations set forth in this Ordinance.
  - a.** Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
  - b.** Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
  - c.** The Board shall not grant a variance unless it finds that:
    - i.** The proposed structure or use would meet the provisions of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and
    - ii.** The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall 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 and not to the general conditions in the neighborhood;
      - 3)** That the granting of a variance will not alter the essential character of the locality; and
      - 4)** That the hardship is not the result of action taken by the applicant or a prior owner.
  - d.** The Appeals Board shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

### **3. Appeal Procedure**

#### **a. Making an Appeal**

- i.** An administrative or variance appeal may be taken to the Appeals Board by an aggrieved party from any decision of the Code Enforcement Officer or the 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.
- ii.** Such appeal shall be made by filing with the Appeals Board a written notice of appeal which includes:
  - 1)** A concise written statement indicating what relief is requested and why it should be granted.
  - 2)** A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- iii.** Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Appeals Board all of the papers constituting the record of the decision appealed from.
- iv.** The Appeals Board shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

#### **b. Decision by Appeals Board**

- i.** A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- ii.** The concurring vote of a majority of the members of the Appeals Board present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- iii.** The person filing the appeal shall have the burden of proof.
- iv.** The Board shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- v.** All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.

#### 4 Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Appeals Board may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Appeals Board.

#### 5 Reconsideration

The Appeals Board may reconsider any decision within sixty (60) days of its prior decision. A request to the Board must be filed within twenty (20) days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 60 days of the date of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony.

#### 6.Repeal

**The enactment of this Ordinance automatically repeals the 2004 Zoning Ordinance and all amendments thereto.**

ENACTED AND ORDAINED into an Ordinance on March 4 2023, by the Legislative body of the **Town of Cambridge** in lawful session duly assembled.

Selectmen of Town of Cambridge Certified:

Signature Michael P. Votaw Date 3-4-2023

Signature [Signature] Date 3-4-2023

Signature \_\_\_\_\_ Date \_\_\_\_\_