

### **5.13. Resource protection district.**

#### **5.13.1. Description and purpose.**

The resource protection district is established as a zoning district in which the principal uses of land shall be nonstructural and open space in character. It includes areas in which development would adversely affect water quality and the stability of the waterway, and impede the natural storage and conveyance of runoff and floodwaters. The district also includes areas in which development would accelerate erosion or impair productive habitat, natural ecosystems or scenic and natural values. The resource protection district specifically includes:

5.13.1.A. Significant habitat for plants and animals including habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife.

5.13.1.B. Areas of exceptional scientific and educational importance or unique natural value;

5.13.1.C. Areas designated by the federal government, the state, the city, or private persons, natural areas of significance to be protected from development;

5.13.1.D. Wetlands.

5.13.1.D(1) Areas within two hundred fifty (250) feet horizontal distance of the upland edge of wetlands of ten (10) or more contiguous acres, which are rated moderate or high value by the Maine Department of Inland Fisheries and Wildlife (MDIF & W) and designated on both the shoreland zoning appendix to the official zoning map and the official zoning map.

5.13.1.D(2) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, including but not limited to, swamps, marshes or bogs designated on both the shoreland zoning appendix to the official zoning map and the official zoning map.

5.13.1.E. Floodplains. Defined by the elevation of the 100-year floodplain as designated on the Federal Emergency Management Agency's (FEMA) flood insurance rate maps or flood hazard boundary maps, the flood of record, or in the absence of these, by soil types identifiable as recent floodplain soils;

5.13.1.F. Fragile slopes. Areas of two (2) or more contiguous acres with sustained slopes of twenty (20) percent or unstable slopes subject to slumping, mass movement or severe erosion;

5.13.1.G. Natural sites of significant scenic or aesthetic value;

5.13.1.H. Significant archaeological and historic sites;

5.13.1.I. Other areas which should be included to fulfill the purpose of this district.

#### **5.13.2. [Performance standards.]**

All resource protection districts are subject to 4.3.39.H, Shoreland performance standards, whether or not they are located in the shoreland zone.

#### **5.13.3. Uses permitted.**

5.13.3.A. Signs. See 4.3.33, Sign regulations.

5.13.3.A.(1) Signs and billboards. Billboards are prohibited in the resource protection district.

5.13.3.A.(2) Signs in the resource protection district shall not exceed two (2) such signs per premises, shall not be larger than two (2) square feet, shall not be higher than six (6) feet from the ground, and shall be limited to names of residents, notice of sale, and notice of no trespassing or hunting.

#### **5.13.4. Special exceptions:**

The following uses are permitted as special exceptions as approved by the zoning board of appeals in conformity with the requirements of 6.12, Special exceptions:

5.13.4.A. Agriculture; see 4.3.39.H(1), Agriculture.

5.13.4.B. Small, nonresidential facilities for educational, scientific or nature interpretation purposes;

5.13.4.C. Public and private parks and recreation areas involving minimal structural development;

5.13.4.D. Piers, docks, wharves, breakwaters, and uses projecting into water bodies;

5.13.4.E. Public utilities, including sewage collection and treatment facilities; The installation of essential services is not permitted in a resource protection district, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

5.13.4.F. Earth-moving activities.

#### **5.13.5. Variances.**

The following use is permitted as approved by the zoning board of appeals in conformity with the requirements of 6.11, Variances and 4.3.39.L, Variances:

5.13.5.A. Roads and driveways. See 4.3.39.H(11), Roads and driveways. New roads and driveways are prohibited in a resource protection district except to provide access to permitted uses within the district, or as approved by the zoning board of appeals upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

#### **5.13.6. Uses prohibited.**

5.13.6.A. Residential dwelling units;

5.13.6.B. Commercial structures;

5.13.6.C. Industrial structures; and

5.13.6.D. Structures not accessory to special exceptions;

5.13.6.E. Governmental and institutional uses other than those specifically permitted in 5.13.3. Uses permitted, 5.13.4, Special exceptions, and 5.13.5, Variances;

5.13.6.F. Campgrounds;

5.13.6.G. Parking facilities, except for parking areas serving public boat launching facilities;

5.13.6.H. Marinas;

5.13.6.I. Clearing of vegetation, except clearing which is necessary for uses specifically permitted in the resource protection district;

5.13.6.J. Timber harvesting;

5.13.6.K. Mineral exploration;

5.13.6.L. Mineral extraction.

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