

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION AUGUSTA, MAINE 04333

IN THE MATTER OF

MUNICIPALITY OF CHARLOTTE  
WASHINGTON COUNTY, MAINE  
STATE-IMPOSED  
SHORELAND ZONING ORDINANCE

) MANDATORY SHORELAND ZONING ACT  
) 38 M.R.S.A. SECTION 438-A(4)  
) ADOPTION OF ZONING PROVISIONS

CHAPTER # 1249

Pursuant to the provisions of 5 M.R.S.A. Section 8053, 38 M.R.S.A. Sections 435-449, and 06-096 CMR, Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, as amended July 14, 1992, the Board of Environmental Protection has reviewed the existing land use regulations relating to the shoreland zone in the municipality of Charlotte, and FINDS THE FOLLOWING FACTS:

1. The Mandatory Shoreland Zoning Act (Act) requires all municipalities to establish zoning controls in areas within 250 feet of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; and within 75 feet of the normal high-water line of a stream. Such zoning standards must be consistent with or no less stringent than those in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinance (Guidelines) as adopted by the Board of Environmental Protection (Board).
2. The Guidelines were revised by the Board, effective March 24, 1990, and again on July 14, 1992. The revised Guidelines include more stringent land use standards than the Board's earlier Guidelines. In addition, the revised Guidelines contain new zoning and land use provisions for activities in shoreland areas adjacent to streams and freshwater wetlands as required by the Act as amended in January of 1989. Following the Board's revisions to the Guidelines in 1990, the Maine legislature, and the Board as authorized in 38 M.R.S.A. Section 438-A(2), established July 1, 1992 as the deadline for local ordinances to be amended consistent with the Guidelines.
3. 38 M.R.S.A. Section 438-A(4) requires the Board to adopt suitable zoning ordinances for municipalities which fail to adopt shoreland zoning ordinances consistent with or no less restrictive than the Guidelines.
4. The Municipality Of Charlotte has failed to adopt a shoreland zoning ordinance consistent with the Board's Guidelines within the time frame established by the Board. As of July 14, 1993 the municipality of Charlotte has not revised its shoreland zoning and land use standards, consistent with the Board's Guidelines.
5. The Board can ensure that the municipality of Charlotte has adequate shoreland zoning and land use provisions for all shoreland areas within the municipality by adopting the Board's Guidelines ordinance and an appropriate zoning map based on the districting criteria contained in the Guidelines, for the municipality.

6. On April 21, 1993 copies of the Guidelines and draft zoning map were forwarded to the municipality of Charlotte, for public comment. The Board also advertised in newspapers of state-wide circulation, its intent to adopt the Guidelines and zoning map for the Municipality. No comments were received on the proposed ordinance during the comment period which ended on June 14, 1993.

BASED on the above FINDINGS OF FACT, the Board makes the following CONCLUSIONS:

1. Whereas the deadline has past for municipalities to amend local shoreland zoning ordinances consistent with the Board's Guidelines, and whereas the municipality of Charlotte has failed to do so, the Board has a responsibility to adopt a suitable ordinance for the Municipality.
2. The Board can adopt a suitable ordinance for the Municipality by adopting the provisions contained in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, as amended July 14, 1992, with an appropriate zoning map based on the districting criteria contained in the Guidelines.

THEREFORE, THE BOARD HEREBY ORDERS AND ADOPTS for the municipality of Charlotte, all of the provisions contained in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, as amended July 14, 1992, for all areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of any freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of all streams, as defined in 38 M.R.S.A. Section 436. The Board further Orders that the map entitled Town of Charlotte Shoreland Zoning Map adopted by the Board of Environmental Protection is hereby incorporated into the Ordinance. The adoption of this Order hereby repeals the State-imposed shoreland zoning ordinance, Chapters 43 and 43.2 adopted for the municipality of Charlotte on June 13, 1979 and October 26, 1985 respectively.

This ORDER shall remain in effect, and shall be binding upon the municipality of Charlotte until amended or repealed by the Board, or until the municipality of Charlotte adopts a shoreland zoning ordinance consistent with the Board's Guidelines, and is approved by the Commissioner.

DONE AND DATED AT AUGUSTA, MAINE, THIS 28 DAY OF JULY, 1993.

BOARD OF ENVIRONMENTAL PROTECTION

BY:

\_\_\_\_\_  
Owen R. Stevens, Chairman

\_\_\_\_\_  
**BASIS STATEMENT**

The Mandatory Shoreland Zoning Act, Title 38 section 438-A, requires all municipalities to adopt shoreland zoning provisions for shoreland areas. Shoreland areas include areas within 250 feet of the normal high-water line of tidal waters, great ponds, and rivers; within 250 feet of the upland edge of freshwater and coastal wetlands; and within 75 feet of streams. Section 438-A also requires the Board of Environmental Protection to adopt minimum guidelines for shoreland zoning ordinances. Municipal ordinances must be consistent with or no less restrictive than the Board's guidelines.

In 1990 the Board of Environmental Protection amended its shoreland zoning guidelines and later established July 1, 1992 as the deadline for municipalities to update their local ordinances consistent with the guidelines. The Mandatory Shoreland Zoning Act requires the Board to adopt suitable ordinances for those municipalities which fail to adopt updated ordinances. This rule adopts a suitable ordinance for this municipality consistent with the Board's Guidelines.

The Department received no public comments on the proposed ordinance during the public comment period which ended June 14, 1993.

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

BOARD ORDER

IN THE MATTER OF

AMENDMENT TO STATE-IMPOSED  
SHORELAND ZONING ORDINANCE  
FILE #BEP-B-94

MANDATORY SHORELAND ZONING ACT  
38 M.R.S.A., SECTION 438-A

Pursuant to the provisions of the Mandatory Shoreland Zoning Act, 38 M.R.S.A., Sections 435-449, and 06-096 CMR, Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances (Guidelines), effective August 7, 1994, the Board of Environmental Protection (Board) has considered the shoreland zoning ordinances for the municipalities listed in Appendix A (attached) and FINDS THE FOLLOWING FACTS:

1. Since 1974, the Mandatory Shoreland Zoning Act (MSZA) has required all municipalities to establish zoning and land use controls in areas located within 250 feet of the normal high water line of any great pond, river or saltwater body. In 1989, that requirement was expanded to also include areas within 250 feet of the upland edge of freshwater and coastal wetlands, and within 75 feet of the normal high water line of streams.
2. The Board establishes minimum guidelines for the local land use control ordinances. The MSZA authorizes the Board to establish a deadline for municipalities to adopt local ordinances consistent with the Guidelines and the purposes of the MSZA. The MSZA also authorizes the Board to adopt shoreland zoning ordinances for those municipalities which fail to adopt a suitable local ordinance.
3. On March 24, 1990, the Board of Environmental Protection amended the Guidelines. The Board also established July 1, 1992 as the deadline for amending local ordinances consistent with the Guidelines. The municipalities listed in Appendix A did not meet the July 1 deadline, resulting in the Board adopting the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, including amendments which became effective on July 14, 1992, for those municipalities. Those state-imposed ordinances can only be amended by the Board.
4. Additional amendments were made to the Guidelines effective August 7, 1994. It is the responsibility of the Board to amend the state-imposed ordinances for the municipalities listed in Appendix A, in order to make those ordinances consistent with the current Guidelines.
5. The August 7, 1994 amendments as listed in Appendix B, and made part of this Order, include provisions which allow :
  - A. The issuance of a special exception permit by the planning board, for a single family residence in a resource protection district under certain limited conditions;
  - B. Conversion of seasonal residences in a Resource Protection District;

- C. Subsurface sewage disposal systems in a Resource Protection District for uses allowed in that district;
  - D. Existing road culverts to be replaced without the need for a permit, regardless of the diameter of the replacement culvert; and
  - E. The applicability of the shoreland zoning ordinance to structures built in, on, or over a water body or wetland but not attached to the shoreline.
6. Amendments referred to in paragraphs A. , B. , C. , D. above, result in a relaxation of the Guideline standards. Paragraph E. requires additional permitting activities, whereas that paragraph establishes a greater area of jurisdiction.
7. No written comments were received during a written comment period which ended on December 1, 1994.

BASED on the above Findings of Fact, the Board makes the following CONCLUSIONS:

1. The municipalities listed in Appendix A (attached) are subject to a state-imposed shoreland zoning ordinance consisting of the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, effective July 14, 1992. It is the Board's responsibility to amend the existing state-imposed ordinances, consistent with the August 7, 1994 amended Guidelines. However, the Guideline amendment which broadens the scope of the shoreland zone to include structures located beyond the normal highwater line, is not a mandatory requirement and should not be imposed upon the municipalities listed in Appendix A.

THEREFORE, the Board hereby AMENDS the State-imposed Shoreland Zoning Ordinances for the municipalities listed in Appendix A (attached), by adopting as the text of the ordinance, the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, effective August 7, 1994, except that the ordinance shall not apply to those structures located beyond (waterward) the normal high water line or upland edge of a wetland.

DONE AND DATED AT AUGUSTA, MAINE, THIS 14 DAY OF December, 1994.

BOARD OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
Owen R. Stevens, Chairman

APPENDIX A TO BOARD ORDER #BEP-B-94

AMITY	(1267)	LIMINGTON	(1299)
ATHENS	(1245)	LOVELL	(1276)
AURORA	(1288)	LUDLOW	(1277)
BANCROFT	(1268)	MECHANIC FALLS	(1300)
BOWDOINHAM	(1246)	MEDFORD	(1279)
BOWERBANK	(1289)	MERRILL	(1281)
BRADFORD	(1247)	MILO	(1301)
BRIDGTON	(1290)	MOOSE RIVER	(1257)
BROWNVILLE	(1291)	NEWCASTLE	(1302)
CARTHAGE	(1292)	NORTH HAVEN	(1304)
CENTERVILLE	(1235)	ORIENT	(1282)
CHARLOTTE	(1249)	PARIS	(1260)
CHESTER	(1250)	PARSONSFIELD	(1306)
COLUMBIA	(1251)	PASSADUMKEAG	(1264)
COOPER	(1270)	PENOBSCOT	(1307)
CORINTH	(1271)	PLYMOUTH	(1308)
CRYSTAL	(1320)	ROCKLAND	(1325)
DURHAM	(1321)	SEDGWICK	(1241)
EDINBURG	(1253)	SHIRLEY	(1309)
ETNA	(1322)	SPRINGFIELD	(1261)
EXETER	(1293)	STACYVILLE	(1283)
FARMINGDAL E	(1294)	STEUBEN	(1262)
FRANKFORT	(1295)	STOCKTON SPRINGS	(1310)
FREEDOM	(321.1)	STONINGTON	(1311)
GREENE	(1237)	STOW	(1326)
GUILFORD	(1296)	TALMADGE	(1263)
HANOVER	(1254)	TROY	(1243)
HARRINGTON	(1327)	VANCEBORO	(1285)
HERSEY	(1272)	WADE	(1286)
HIRAM	(1273)	WAITE	(1265)
ISLE AU HAUT	(1323)	WALDO	(1312)
KNOX	(1255)	WHITEFIELD	(1244)
LAGRANGE	(1275)	WOODVILLE	(1266)
LIMERICK	(1256)		
		TOTAL:67	



APPENDIX B TO BOARD ORDER #BEP-B-94

CHAPTER 1000: AMENDMENTS TO THE STATE OF MAINE GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES

1. Change Section 3. Applicability, to read:

This ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, river or saltwater body; within 250 feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over, or abutting a dock, wharf or pier, or other structure extending or located beyond the normal high-water line of a water body or within a wetland.

2. Change Section 14. Table 1, Land Uses in the Shoreland Zone to read:

<u>Land Uses</u>	<u>District</u>
	<u>RP</u>
15. Principal structures and uses	
A. One and two family residential	<del>no</del> <u>PB</u> <sup>9</sup>
18. Conversion of seasonal residences to year-round residences	<del>no</del> <u>LPI</u>
20. Private sewage disposal systems for allowed uses	<del>no</del> <u>LPI</u>

Add footnote 9: Single family residential structures may be allowed by Special Exception only according to the provisions of Section 16.E, Special Exceptions. Two-family residential structures are not permitted.

3. Amend Section 16. Administration, subsection B., to read:  
B. Permits Required

After the effective date of this ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

A permit is not required for the replacement of an existing road culvert as long as:

~~1. The replacement culvert is not more than one standard culvert size wider in diameter than the culvert being replaced;~~

~~2.1.~~ The replacement culvert is not more than 25% longer than the culvert being replaced

~~3 2.~~ The replacement culvert is not longer than 75 feet; and

DEPARTMENT OF ENVIRONMENTAL PROTECTION

4 3. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

4. Add new Section 16, E., Special Exceptions, as follows:

In addition to the criteria specified in Section 16.D. above, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

3. The proposed location of all buildings, sewage disposal systems and other improvements are:

a. Located on natural ground slopes of less than 20%; and

b. Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

If the floodway is not shown on the federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.

4. The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet.

5. All structures, except functionally water-dependent structures, are set back from the normal high-water line or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the planning board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-valued and high-value wetlands.

And change existing Sections 16 E., 16 F., and 16 G. to Sections 16 F., 16 G., and 16 H. respectively.

5. Add the following definitions to Section 17:

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.



Velocity Zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources.

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**BASIS STATEMENT**

The Mandatory Shoreland Zoning Act, Title 38 section 438-A, requires all municipalities to adopt shoreland zoning provisions for shoreland areas. Shoreland areas include areas within 250 feet of the normal high-water line of tidal waters, great ponds, and rivers; within 250 feet of the upland edge of freshwater and coastal wetlands; and within 75 feet of streams. Section 438-A also requires the Board of Environmental Protection to adopt minimum guidelines for shoreland zoning ordinances. Municipal ordinances must be consistent with or no less restrictive than the Board's guidelines.

When a municipality fails to adopt a shoreland zoning ordinance consistent with, or more restrictive than the Guidelines the Board of Environmental Protection may adopt a suitable ordinance for the municipality. This rule amends the previously adopted state-imposed ordinances by the Board of Environmental Protection.

The amendments, however, do not incorporate the provision to regulate structures located over a water body or wetland. That provision would result in an unfunded mandate.

No comments were received during the written comment period which ended December 1, 1994.





STATE OF MAINE

Town of Charlotte  
Shoreland Zoning Ordinance

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN R. McKERNAN, JR.  
GOVERNOR

DEAN C. MARRIOTT  
COMMISSIONER

DEBRAH RICHARD  
DEPUTY COMMISSIONER

August 23, 1993

Selectmen  
Town of Charlotte  
c/o Ernest James  
Round Pond Road  
Pembroke, Maine 04666

Dear Selectmen:

On July 28, 1993 the Board of Environmental Protection voted to adopt for your municipality, the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, as amended July 14, 1992. The Board's action became effective on August 21, 1993 and will remain in effect until amended by the Board, or until your municipality adopts an ordinance consistent with the Board's Guidelines and which is approved by the Commissioner of the Department of Environmental Protection. The Ordinance must be administered and enforced as if it was adopted by the town.

Authority for the Board's actions is found in the Mandatory Shoreland Zoning Act, Title 38 M.R.S.A., Section 438-A. That section requires the Board to adopt suitable shoreland zoning ordinances for municipalities which fail to enact ordinances consistent with the Board's Guidelines. Since your community did not update its ordinance by July 1, 1992 the Board is required to adopt the attached ordinance and accompanying zoning map for your community.

You will find with this letter a copy of the official Board of Environmental Protection order, a copy of the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, and a copy of the official shoreland zoning map. If you have questions relating to the Department's actions, or relating to the ordinance, please call me at 287-2111.

Sincerely,

Richard P. Baker  
Shoreland Zoning Coordinator

cc: Planning Board  
Regional Planning Commission

AUGUSTA  
STATE HOUSE STATION 17  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
OFFICE LOCATED AT: RAY BUILDING, HOSPITAL STREET

PORTLAND  
312 CANCO ROAD  
PORTLAND, ME 04103  
(207) 879-6300 FAX: (207) 879-6303

BANGOR  
106 HOGAN ROAD  
BANGOR, ME 04401  
(207) 941-4570 FAX: (207) 941-4584

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, ME 04769  
(207) 764-0477 FAX: (207) 764-1507

Adopted 13 Jul 1979  
Adopted 26 Oct 1985  
Adopted 28 Jul 1993

DEPARTMENT OF ENVIRONMENTAL PROTECTION



DEPARTMENT OF ENVIRONMENTAL PROTECTION  
100 WATER STREET  
PORTLAND, MAINE 04101

JOHN W. MURPHY, JR.  
GOVERNOR

August 22, 1993

Delester  
Town of Charlotte  
c/o Ernest James  
Round Pond Road  
Pembroke, Maine 04565

Dear Delester:

On July 28, 1993 the Board of Environmental Protection voted to adopt for your municipality, the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, as amended July 14, 1992. The Board's action became effective on August 21, 1993 and will remain in effect until amended by the Board or until your municipality adopts an ordinance consistent with the Board's Guidelines and which is approved by the Commissioner of the Department of Environmental Protection. The Ordinance must be administered and enforced as if it was adopted by the town.

Authority for the Board's actions is found in the Mandatory Shoreland Zoning Act, Title 38 M.R.S.A., Section 438-A. That section requires the Board to adopt suitable shoreland zoning ordinances for municipalities which fail to enact zoning ordinances consistent with the Board's Guidelines. Since your community did not update its ordinance by July 1, 1993 the Board is required to adopt the attached ordinance and accompanying zoning map for your community.

You will find with this letter a copy of the official Board of Environmental Protection order, a copy of the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, and a copy of the official shoreland zoning map. If you have questions relating to the Department's actions, or relating to the ordinance, please call me at 387-2111.

Sincerely,

Richard E. Baker  
Shoreland Zoning Coordinator

cc: Planning Board  
Regional Planning Commission

BASIS STATEMENT  
STATE-IMPOSED SHORELAND ZONING ORDINANCE  
TOWN OF CHARLOTTE  
CHAPTER 1249

The Mandatory Shoreland Zoning Act, Title 38 section 438-A, requires all municipalities to adopt shoreland zoning provisions for shoreland areas. Shoreland areas include areas within 250 feet of the normal high-water line of tidal waters, great ponds, and rivers; within 250 feet of the upland edge of freshwater and coastal wetlands; and within 75 feet of streams. Section 438-A also requires the Board of Environmental Protection to adopt minimum guidelines for shoreland zoning ordinances. Municipal ordinances must be consistent with or no less restrictive than the Board's guidelines.

In 1990 the Board of Environmental Protection amended its shoreland zoning guidelines and later established July 1, 1992 as the deadline for municipalities to update their local ordinances consistent with the guidelines. The Mandatory Shoreland Zoning Act requires the Board to adopt suitable ordinances for those municipalities which fail to adopt updated ordinances. This rule adopts a suitable ordinance for this municipality consistent with the Board's Guidelines.

RESPONSE TO COMMENTS  
STATE-IMPOSED SHORELAND ZONING ORDINANCE  
TOWN OF CHARLOTTE  
CHAPTER 1249

The Department received no public comments on the proposed ordinance during the public comment period which ended June 14, 1993.



Town of Charlotte  
Shoreland Zoning Ordinance

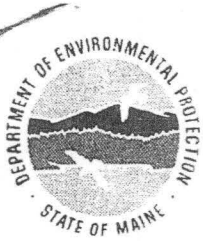
SECTION 10-100  
SHORELAND ZONING ORDINANCE  
TOWN OF CHARLOTTE  
CHAPTER 10

The Town of Charlotte, North Carolina, is a city of the first class under the Constitution of the State of North Carolina. It is the policy of the Town to provide for the health, safety and general welfare of its citizens by the adoption and enforcement of zoning ordinances. It is the intent of the Town to provide for the orderly development and use of its land and to protect the public interest in the use of its land.

The Town of Charlotte, North Carolina, is a city of the first class under the Constitution of the State of North Carolina. It is the policy of the Town to provide for the health, safety and general welfare of its citizens by the adoption and enforcement of zoning ordinances. It is the intent of the Town to provide for the orderly development and use of its land and to protect the public interest in the use of its land.

SECTION 10-100  
SHORELAND ZONING ORDINANCE  
TOWN OF CHARLOTTE  
CHAPTER 10

The Town of Charlotte, North Carolina, is a city of the first class under the Constitution of the State of North Carolina. It is the policy of the Town to provide for the health, safety and general welfare of its citizens by the adoption and enforcement of zoning ordinances. It is the intent of the Town to provide for the orderly development and use of its land and to protect the public interest in the use of its land.



BOARD ORDER

IN THE MATTER OF

MUNICIPALITY OF CHARLOTTE ) MANDATORY SHORELAND ZONING ACT  
WASHINGTON COUNTY, MAINE ) 38 M.R.S.A. SECTION 438-A(4)  
STATE-IMPOSED ) ADOPTION OF ZONING PROVISIONS  
SHORELAND ZONING ORDINANCE

CHAPTER # 1249

Pursuant to the provisions of 5 M.R.S.A. Section 8053, 38 M.R.S.A. Sections 435-449, and 06-096 CMR, Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, as amended July 14, 1992, the Board of Environmental Protection has reviewed the existing land use regulations relating to the shoreland zone in the municipality of Charlotte, and FINDS THE FOLLOWING FACTS:

1. The Mandatory Shoreland Zoning Act (Act) requires all municipalities to establish zoning controls in areas within 250 feet of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; and within 75 feet of the normal high-water line of a stream. Such zoning standards must be consistent with or no less stringent than those in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances (Guidelines) as adopted by the Board of Environmental Protection (Board).
2. The Guidelines were revised by the Board, effective March 24, 1990, and again on July 14, 1992. The revised Guidelines include more stringent land use standards than the Board's earlier Guidelines. In addition, the revised Guidelines contain new zoning and land use provisions for activities in shoreland areas adjacent to streams and freshwater wetlands as required by the Act as amended in January of 1989. Following the Board's revisions to the Guidelines in 1990, the Maine legislature, and the Board as authorized in 38 M.R.S.A. Section 438-A(2), established July 1, 1992 as the deadline for local ordinances to be amended consistent with the Guidelines.
3. 38 M.R.S.A. Section 438-A(4) requires the Board to adopt suitable zoning ordinances for municipalities which fail to adopt shoreland zoning ordinances consistent with or no less restrictive than the Guidelines.

Town of Charlotte  
Shoreland Zoning Ordinance

MUNICIPALITY OF CHARLOTTE  
WASHINGTON COUNTY, MAINE  
STATE-IMPOSED SHORELAND  
ZONING ORDINANCE

) MANDATORY SHORELAND ZONING ACT  
) 38 M.R.S.A., SECTION 438-A(4)  
) ADOPTION OF ZONING PROVISIONS

CHAPTER # 1249

4. The Municipality of Charlotte has failed to adopt a shoreland zoning ordinance consistent with the Board's Guidelines within the time frame established by the Board. As of July 14, 1993 the municipality of Charlotte has not revised its shoreland zoning and land use standards, consistent with the Board's Guidelines.
5. The Board can ensure that the municipality of Charlotte has adequate shoreland zoning and land use provisions for all shoreland areas within the municipality by adopting the Board's Guidelines ordinance and an appropriate zoning map based on the districting criteria contained in the Guidelines, for the municipality.
6. On April 21, 1993 copies of the Guidelines and draft zoning map were forwarded to the municipality of Charlotte, for public comment. The Board also advertised in newspapers of state-wide circulation, its intent to adopt the Guidelines and zoning map for the Municipality. No comments were received on the proposed ordinance during the comment period which ended on June 14, 1993.

BASED on the above FINDINGS OF FACT, the Board makes the following CONCLUSIONS:

1. Whereas the deadline has past for municipalities to amend local shoreland zoning ordinances consistent with the Board's Guidelines, and whereas the municipality of Charlotte has failed to do so, the Board has a responsibility to adopt a suitable ordinance for the Municipality.
2. The Board can adopt a suitable ordinance for the Municipality by adopting the provisions contained in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, as amended July 14, 1992, with an appropriate zoning map based on the districting criteria contained in the Guidelines.

Town of Charlotte  
Shoreland Zoning Ordinance

1. The purpose of this ordinance is to provide for the orderly development and use of shoreland areas in the Town of Charlotte, North Carolina, and to protect the natural resources and scenic beauty of such areas.

2. The following definitions shall apply to this ordinance:

3. The Board may adopt a suitable ordinance for the shoreland area...

4. The Board may adopt a suitable ordinance for the shoreland area...

5. The Board may adopt a suitable ordinance for the shoreland area...

6. The Board may adopt a suitable ordinance for the shoreland area...

7. The Board may adopt a suitable ordinance for the shoreland area...

8. The Board may adopt a suitable ordinance for the shoreland area...

9. The Board may adopt a suitable ordinance for the shoreland area...

10. The Board may adopt a suitable ordinance for the shoreland area...



MUNICIPALITY OF CHARLOTTE  
WASHINGTON COUNTY, MAINE  
STATE-IMPOSED SHORELAND  
ZONING ORDINANCE

) MANDATORY SHORELAND ZONING ACT  
) 38.M.R.S.A., SECTION 438-A(4)  
) ADOPTION OF ZONING PROVISIONS

CHAPTER # 1249

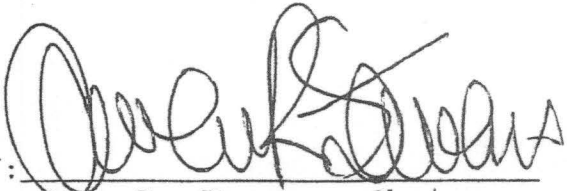
THEREFORE, THE BOARD HEREBY ORDERS AND ADOPTS for the municipality of Charlotte, all of the provisions contained in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, as amended July 14, 1992, for all areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of any freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of all streams, as defined in 38 M.R.S.A. Section 436. The Board further Orders that the map entitled Town of Charlotte Shoreland Zoning Map, adopted by the Board of Environmental Protection is hereby incorporated into the Ordinance. The adoption of this Order hereby repeals the State-imposed shoreland zoning ordinance, Chapters 43 and 43.2 adopted for the municipality of Charlotte on June 13, 1979 and October 26, 1985 respectively.

This ORDER shall remain in effect, and shall be binding upon the municipality of Charlotte until amended or repealed by the Board, or until the municipality of Charlotte adopts a shoreland zoning ordinance consistent with the Board's Guidelines, and is approved by the Commissioner.

DONE AND DATED AT AUGUSTA, MAINE, THIS 28 DAY OF July, 1993.

BOARD OF ENVIRONMENTAL PROTECTION

BY:

  
Owen R. Stevens, Chairman

Town of Charlotte  
Shoreland Zoning Ordinance

...the Board of Zoning Adjustment shall have the authority to grant a variance from the provisions of this Ordinance...

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*[Handwritten signature]*

BASIS STATEMENT  
STATE-IMPOSED SHORELAND ZONING ORDINANCE  
TOWN OF CHARLOTTE  
CHAPTER 1249

The Mandatory Shoreland Zoning Act, Title 38 section 438-A, requires all municipalities to adopt shoreland zoning provisions for shoreland areas. Shoreland areas include areas within 250 feet of the normal high-water line of tidal waters, great ponds, and rivers; within 250 feet of the upland edge of freshwater and coastal wetlands; and within 75 feet of streams. Section 438-A also requires the Board of Environmental Protection to adopt minimum guidelines for shoreland zoning ordinances. Municipal ordinances must be consistent with or no less restrictive than the Board's guidelines.

In 1990 the Board of Environmental Protection amended its shoreland zoning guidelines and later established July 1, 1992 as the deadline for municipalities to update their local ordinances consistent with the guidelines. The Mandatory Shoreland Zoning Act requires the Board to adopt suitable ordinances for those municipalities which fail to adopt updated ordinances. This rule adopts a suitable ordinance for this municipality consistent with the Board's Guidelines.

RESPONSE TO COMMENTS  
STATE-IMPOSED SHORELAND ZONING ORDINANCE  
TOWN OF CHARLOTTE  
CHAPTER 1249

The Department received no public comments on the proposed ordinance during the public comment period which ended June 14, 1993.

Town of Charlotte  
Shoreland Zoning Ordinance

...the intent of the ordinance is to provide for the orderly development of the shoreland areas of the Town of Charlotte, North Carolina, and to protect the natural resources of the shoreland areas...

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RESOLUTION TO AMEND  
TOWN OF CHARLOTTE  
SHORELAND ZONING ORDINANCE  
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