

**Town of Isle Town of Isle au Haut
Planning Board Revised Zoning
Ordinance March, 1975
With Amendments of March, 1978,
March - May 1982
March 2012,
and April 25, 2016**

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This table of contents has not been accepted as part of the Isle Au Haut Zoning Ordinance. It is included here to help readers find what they may be looking for in the ordinance.

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I. Preamble.

The purpose of this Ordinance is to regulate the development and conservation of Isle au Haut in accordance with State law and the this ordinance as it has been amended from time to time by the voters of the town; to facilitate the economic and social life desired by the town inhabitants; and to promote the public health and safety.

Title 12 M.R.S.A. "Mandatory Zoning and Subdivision Control Law" requires all municipalities to adopt zoning and subdivision control ordinances for shoreland areas subject to review and approval by the Maine Department of Environmental Protection (MDEP). The Town of Isle au Haut has zoned the entire area within its jurisdiction.

II. Effective Date and Area of Jurisdiction.

This ordinance and subsequent amendments shall take effect immediately upon passage by the voters of the Town of Isle au Haut. It shall apply to the land within the township of Isle au Haut including: Isle au Haut,

Western Ear, Eastern Ear, Battery, Spoon Islands, York Island, Dolliver's Island, Rabbit's Ear, Kimball's Island, Mouse Island, Wheat Island, Pell's Island, Nathan's Island, Nathan's Island Ledge, Merchant's Island, Harbor Island, Bill's Island, Ewe Island, Ram Island, Hardwood Island, and Fog Island.

III. Exclusions

All structures built, and any new land use activity undertaken after the effective date of this ordinance, shall conform to the provisions of this ordinance. The continuing use of the buildings and subdivisions already in existence when this ordinance or its applicable amendments were enacted, shall not be adversely affected by this ordinance. Their existence and use may continue, even if non-conforming, subject to restrictions or suppressions lawfully imposed by the Federal government, State government, or Town government acting independently of this ordinance.

Such non-conforming structures may be maintained or improved. If destroyed by fire or other Act of God, they may be replaced on site by new structures of similar character.

However, if a building or structure is not occupied or maintained for a period of more than twelve months in a condition suitable for occupancy, its exemption shall lapse. Thereafter, any use of the building, structure, or its site must be in conformity with this Ordinance.

IV. Zoning and Maps.

The following zones are hereby defined and set down on the Official Map, a paper version of which is included in Appendix A.

Note: For the purpose of this section, the term "any road" means only roads which:

1. Meet the definition of section XII subsection F and
2. Are in existence as of March 31, 1975, and
3. Are recorded on the Official Map, and
4. Only to the extent (i.e. fork or termination) that such roads can be considered to serve more than one principal structure or residential dwelling unit as defined in section XII subsection H

and J.

Zone A. Remote Shoreland

Land that is less than 500 feet from mean high water but more than 1,000 feet from the centerline, fork or termination of any road.

Zone B. Accessible Interior

Land that is less than 1,000 feet from the centerline fork, or termination of any road but more than 500 feet from mean high water.

Zone B also includes land between 125 feet and 500 feet from the normal high water mark of Long Pond. If land more than 125 feet and less than 500 feet from the normal high water mark of Long Pond is by any other definition included in Zones A, C, or D, it shall be deemed to be in Zone B. If land more than 125 feet and less than 500 feet from the normal high water mark of Long Pond is by any other definition included in Zone E, it shall be deemed to be in Zone E.

Zone C. Accessible Shoreland

Land which is less than 500 feet from mean high water and less than 1,000 feet from the centerline, fork, or termination of any road.

Zone D. Remote Interior

Land which is more than 500 feet from mean high water and more than 1,000 feet from the centerline, for or termination of any road.

Zone E. Resource Protection

Resource Protection Districts include areas in which development would adversely affect water quality, productive habitat, biotic systems, or scenic and natural values; as follows:

1. Merchant's Cove, Isle au Haut, permanent marshy, non-tidal wetland, adjoining seawall and a belt of land 125 feet horizontal width surrounding wetland and seawall.
2. Long Pond Outlet, stream and belt of land 250 feet in total width, extending 125 feet on each side of the centerline of the Outlet Brook lying between the South end of Long Pond and mean low water on the east shore of Isle au Haut.
3. Long Pond Greenbelt, Isle au Haut land around Long Pond a distance of 125 feet horizontal distance from normal high water elevation of the Pond.
4. Great Meadow, Isle au Haut, interior source bog West of North end of Long Pond and belt of land 125 feet horizontal width surrounding the meadow.
5. Great Spoon Island, pond area behind beach on North end of island 125 feet horizontal width surrounding pond.
6. York Island, tidal inlet on East shore and tidal pond and belt of land 125 feet horizontal width surrounding pond.
7. Rich's Point, North of Old Cove, Isle au Haut, brackish water pond, marshy area, and beach.
8. Pond Point, Burnt Island, area surrounding the small ponds on Pond Point and neighboring belt of land 125 feet horizontal width.
9. Moore's Harbor Swale, Isle au Haut, spruce bog and fresh water marsh and belt of land 125 feet in width surrounding swale, Northwest side of Isle au Haut.
10. Fog Island, small pond on the Southwest end and belt of land 125 feet in width surrounding pond.
11. All the fee ownership of Acadia National Park within the Town of Isle au Haut excepting the Park Trailer Lot.

Zone F. Affordable Year Round Housing Overlay Zone.

Land shown as the Overlay Zone on the Official Map - This zone overlays zones defined in the preceding paragraphs of Section IV of Isle au Haut Zoning Ordinance. Within the Affordable Year Round Housing Overlay Zone the total acreage of any lot must equal or exceed 1 acre. All other uses and land use standards shall be as specified for the zones overlaid by Zone F.

Zone G. Limited Commercial District.

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited. Minimum setback shall be 75' from normal high water; minimum lot size 40,000 square feet, and minimum frontage 200'.

Zone H. General Development I District.

The General Development I District includes the following types of existing, intensively developed areas:

- (1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - (a) Areas devoted to manufacturing, fabricating or other industrial activities;
 - (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - (c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
- (2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses. (Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.)

Zone I. General Development II District.

The General Development II District includes the same types of

areas as those listed for the General Development I District. The General Development II District, however, is applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

Portions of the General Development District I or II may also include residential development. However, no area shall be designated as a General Development I or II District based solely on residential use.

In the General Development Districts the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance; minimum lot size is 40,000 square feet; and minimum shore frontage 125' except no frontage is required if a Commercial Fisheries/Maritime Activities District occurs between the General Development District and the shore within the same lot. Non-vegetated area must not exceed 70% of the area in the Shoreland Zone.

Zone J. Commercial Fisheries/Maritime Activities District.

The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

- (1) Shelter from prevailing winds and waves;
- (2) Slope of the land within 250 feet, horizontal distance, of the shoreline;
- (3) Depth of the water within 150 feet, horizontal distance, of the shoreline;
- (4) Available support facilities including utilities and transportation facilities; and
- (5) Compatibility with adjacent upland uses.

In the Commercial Fisheries/Maritime Activities District there shall be no minimum setback except for 25 feet for parking areas, no minimum lot size, and no minimum shore frontage. Non-vegetated area must not exceed 70% of the Shoreland Zone portion of the lot.

V. Uses.

Land uses permitted in each zone, in conformance with the land use standards of this Ordinance, are shown below:

Key: Yes – Allowed (no permit required)
 No – Prohibited
 PB Permit – Requires Planning Board Permit

<i>Land Uses</i>	<i>Resource Protection (E)</i>	<i>Remote Shoreland (A)</i>	<i>Accessible Interior (B)</i>	<i>Accessible Shoreland (C)</i>	<i>Remote Interior (D)</i>
1. Non-Intensive Recreational Uses, such as biking, fishing, hunting, etc.	Yes	Yes	Yes	Yes	Yes
2. Resource Management Practices (Forestry, Wildlife Management, and Soil and Water Conservation)	Yes	Yes	Yes	Yes	Yes
3. Timber Harvesting	No	Yes	Yes	Yes	Yes
4. Surveying, Resource Analysis, and Mineral Exploration	Yes	Yes	Yes	Yes	Yes

<i>Land Uses</i>	<i>Resource Protection (E)</i>	<i>Remote Shoreland (A)</i>	<i>Accessible Interior (B)</i>	<i>Accessible Shoreland (C)</i>	<i>Remote Interior (D)</i>
5. Emergency Operations (Fire Control, Search and Rescue, etc.)	Yes	Yes	Yes	Yes	Yes
6. Agriculture	No	Yes	Yes	Yes	Yes
7. Marine Uses					
a. Marine Related Activities (Excluding Structures)	Yes	Yes	Yes	Yes	Yes
b. Marine Related Activities (Including Structures)	No	PB Permit	No Permit	PB Permit	No
8. Structures (Principal)*					
a. Residential Dwelling Units	No	PB Permit	PB Permit	PB Permit	PB Permit
b. Govern-mental, Institu-tional, and Commercial Structures, Industrial Structures, and Cottage Domestic Industries	No	PB Permit	PB Permit	PB Permit	PB Permit

<i>Land Uses</i>	<i>Resource Protection (E)</i>	<i>Remote Shoreland (A)</i>	<i>Accessible Interior (B)</i>	<i>Accessible Shoreland (C)</i>	<i>Remote Interior (D)</i>
8c. Residential dwelling units no greater than 600 square feet, no more than one bedroom in addition to the principal structure on any lot.	No	PB Permit	PB Permit	PB Permit	PB Permit
9. Structures (accessory) to permitted uses, additions (200 sq. ft. or less) and alterations to existing structures	No	CEO Permit	CEO Permit	CEO Permit	CEO Permit
10. Road Construction	No	PB Permit	PB Permit	PB Permit	PB Permit
11. Commercial campground	No	No	No	No	No

<i>Land Uses</i>	<i>Resource Protection (E)</i>	<i>Remote Shoreland (A)</i>	<i>Accessible Interior (B)</i>	<i>Accessible Shoreland (C)</i>	<i>Remote Interior (D)</i>
12. Bridges, over 20 ft. in length, causeways, marinas and similar uses projecting into or over the Pond or ocean*					
a. Temporary	No	CEO Permit	CEO Permit	CEO Permit	CEO Permit
b. Permanent	No	PB Permit	PB Permit	PB Permit	PB Permit
13. Clearing for approved uses	Yes	Yes	Yes	Yes	Yes
14. Public Utilities	No	PB Permit	Yes, except PB Permit on private roads	Yes, except PB Permit on private roads	PB Permit
15. Private Sewage disposal systems	No, See Note 1, below	LPI Permit	LPI Permit	LPI Permit	LPI Permit
16. Filling and earth moving					
a. 10 cubic yards or less	No	Yes	Yes	Yes	Yes
b. >10 yards or more	No	CEO Permit	Yes, except CEO Permit outside public roads	Yes, except CEO Permit outside public roads	CEO Permit

<i>Land Uses</i>	<i>Resource Protection (E)</i>	<i>Remote Shoreland (A)</i>	<i>Accessible Interior (B)</i>	<i>Accessible Shoreland (C)</i>	<i>Remote Interior (D)</i>
17. Other Uses	Permit requirements to be determined by the Code Enforcement Officer but subject to review by the Planning Board.				

<i>Land Uses</i>	<i>G—Limited Commercial</i>	<i>H--General Development I</i>	<i>I—General Development II</i>	<i>J—Commercial Fisheries/Maritime Activities</i>
1. Non-Intensive Recreational Uses, such as biking, fishing, hunting, etc.	Yes	Yes	Yes	Yes
2. Resource Management Practices (Forestry, Wildlife Management, and Soil and Water Conservation)	Yes	Yes	Yes	Yes
3. Timber Harvesting	Yes	Yes	Yes	Yes
4. Surveying, Resource Analysis, and Mineral Exploration	CEO	CEO	CEO	CEO
5. Emergency Operations (Fire Control, Search and Rescue, etc.)	Yes	Yes	Yes	Yes
6. Agriculture	Yes	Yes	Yes	Yes

<i>Land Uses</i>	<i>G—Limited Commercial</i>	<i>H--General Development I</i>	<i>I—General Development II</i>	<i>J—Commercial Fisheries/Maritime Activities</i>
7. Marine Uses				
a. Marine Related Activities, including aquaculture and docks but Excluding other Structures	No	PB Permit	PB Permit	PB Permit
b. Marine Related Activities including aquaculture and structures	PB Permit	PB Permit	PB Permit	PB Permit
8. Structures (Principal)				
a. Residential Dwelling Units	PB Permit	PB Permit	PB Permit	No
b. Governmental, Institutional, and Commercial Structures, Industrial Structures, and Cottage Domestic Industries	PB Permit*	PB Permit*	PB Permit*	PB Permit*
c. Residential dwelling units <600 sq. feet, no more than one bedroom in addition to	PB Permit	PB Permit	Yes	Yes

the principal structure on any lot				
Land Uses	<i>G—Limited Commercial</i>	<i>H--General Development I</i>	<i>I—General Development II</i>	<i>J—Commercial Fisheries/Maritime Activities</i>
9. Structures (accessory) to permitted uses, additions (≤ 200 sq. ft.) and alterations to existing structures	CEO Permit	CEO Permit	CEO Permit	CEO Permit
10. Road Construction	PB Permit	PB Permit	PB Permit	PB Permit
11. Commercial Campground	No	No	No	No
12. Bridges, over 20 ft. in length, causeways, marinas and similar uses projecting into or over the Pond or ocean*				
Temporary	PB permit	PB permit	PB permit	PB permit
Permanent	CEO Permit	CEO Permit	CEO Permit	CEO Permit
13. Clearing for approved construction	Yes	Yes	Yes	Yes
14. Public Utilities	Yes	Yes	Yes	Yes
15. Private Septic Sewage Disposal systems	LPI permit	LPI permit	LPI permit	LPI permit

<i>Land Uses</i>	<i>G—Limited Commercial</i>	<i>H--General Development I</i>	<i>I—General Development II</i>	<i>J—Commercial Fisheries/Maritime Activities</i>
16. Filling and earth Moving				
a. 10 cubic yards or less	Yes	Yes	Yes	Yes
b. >10 yards or more	CEO permit	CEO permit	CEO permit	CEO permit
17. Other Uses	PB Permit	PB permit	PB permit	PB permit

* Heavy Industries – including all the following, but not necessarily limited to these, not permitted in any zone: Oil refining, Nuclear generating plants, Metallurgical processing, Stone quarrying, Mills or Factories employing more than 50 persons at one location, Restaurants, Motels, Hotels, Entertainment or other service facilities providing on premise services to more than 50 persons at one time, and Commercial boats unloading more than 50 persons at one time.

** Notwithstanding other provision regarding use of resource protection districts, support structures for commercial aquaculture projects and Town public recreational access to the southern portion of Long Pond contemplated in the Comprehensive Plan may be accommodated in the Long Pond Greenbelt and Outlet Brook Resource Protection District by Planning Board Permit.

Note 1: A private sewage disposal system and associated pumps, piping, tanks, and electrical systems may be built and maintained in the Moore’s Swale and Long Pond Resource Protection 125’ buffer areas to benefit any dwelling in existence as of March 1975.

VI. Land Use Standards.

All land use activities shall conform to the following applicable land use standards for all Zones (excepting where specified.)

A. Agriculture – The following provisions shall govern agricultural

practices in Zone A, (Remote Shoreland).

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the *Nutrient Management Law* (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) There shall be no tilling of soil within 50 feet of the normal high water mark of Long Pond.

B. *Beach Construction*

Beach construction on any great pond or coastal wetland shall require a permit from the Maine Department of Environmental Protection (DEP) under the Natural Resources Protection Act (NRPA). Beach construction on any river, stream, or brook defined in the Shoreland Zoning Ordinance shall also require a permit from the DEP.

- C. *Clearing* – Vegetation cutting and clearing shall conform to the standards of the Shoreland Zoning Ordinance for all areas within 250 feet of the normal high water mark of the ocean and the normal high water mark of Long Pond, and within 75 feet of the streams designated as requiring buffers under the Shoreland Zoning Ordinance as stipulated for the applicable Shoreland Zone.

D. *Erosion and Sedimentation Control*

Filling, grading, lagooning, dredging, earth-moving activities, and other land use activities shall be conducted in such manner to prevent to the maximum extent possible, erosion and sedimentation of surface waters. To this end, all construction shall be accomplished in conformance with the most current version of the

DEP Maine Sediment and Erosion Control Best Management Practices (BMPs) which can be found on the DEP website.

E. *Mineral Exploration*

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A permit from the planning board shall be required for mineral exploration which exceeds the above limitations.

F. *Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges over 20 feet in length and Uses projecting into Water Bodies*

In addition to federal or state permits, which may be required for such structures and uses, they shall conform to the following:

1. Access from shore shall be developed on soils or bedrock appropriate for such use and constructed so as to control erosion to prevent sedimentation from entering water bodies
2. The location shall not interfere with developed beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no longer in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.

G. *Residential Lot Standards*

1. Lots shall meet or exceed the following minimum requirements:
 - a. If a lot is comprised entirely of "Remote Shoreland" (Zone A), the total acreage of the parcel must equal or exceed 10 acres.
 - b. If a lot is comprised entirely of "Accessible Interior" (Zone B) the total acreage of the parcel must equal or exceed 2 acres.

- i. Lots existing January 1, 1978 in Zone B area surrounding Long Pond Greenbelt which are less than 2 acres in size may nevertheless be built upon. If the owner of such non-conforming lot owns other lots, which share a common border with it, he must combine such lots in order to meet the 2 acre minimum, or to comply as nearly as possible with such minimum.
- c. If a lot is comprised entirely of "Accessible Shoreland" (Zone C) the total acreage of the lot must equal or exceed 0.7 acre.
- d. If a lot is comprised entirely of "Remote Interior" (Zone D) the total acreage of the parcel must equal or exceed 20 acres.
- e. If a lot is comprised entirely of "Resource Protection District" (Zone E), it may not be built upon. If a lot is comprised partially of "Resource Protection District," that part may not be built upon if the District is defined in the State Shoreland Zoning Guidelines as important habitat, or part of the Long Pond 125-foot buffer. However, if the Resource Protection is based on slopes >20% for 2 or more contiguous acres, the slope may be used for any permitted use in that zone if a Licensed Professional Engineer specializing in geotechnical engineering finds the use meets adequate factors of safety and specifies construction practices that must be followed, and the Planning Board approves of the use. If the Resource Protection Zone is defined because it is a Special Flood Hazard Area as delineated on an Effective Federal Emergency Management Agency (FEMA) Flood Hazard Map, construction may occur in the zone if a Licensed Professional Engineer issues a report that states that the proposed use will not create adjacent incremental flooding of more than 1 foot, and that the construction is based on FEMA approved standards for construction in a flood zone of the type where the construction is contemplated, and the Planning Board approves of the use.
- f. If a lot is comprised of more than one zone, the total acreage of the parcel must equal or exceed an

intermediate size, computed as the acreage of the above minimum sizes (a through d) with each such minimum size weighted according to the percentage of that zone contained in the parcel. For the purpose of this computation only, any resource protection district area contained in a parcel will be computed on the basis of the minimum lot size that would prevail if the land had not been designated a resource protection district.

Example:

A lot is comprised as follows:

<i>Zone</i>	<i>Acres</i>	<i>% Total Parcel</i>	<i>Applicable Minimum Lot Size</i>	<i>Contribution to Minimum Requirement</i>
(A) Remote Shoreland	3.0 A	30%	x 10 A =	3.000 A
(B) Accessible Interior	4.9 A	49%	x 2 A =	.980 A
(C) Accessible Shoreland	1.0 A	10%	x0.7 A =	.07 A
(D) Remote Interior	1.0 A	10%	x 20 A =	2.000 A
(E) Long Pond Greenbelt	.1 A	1%	x 2 A =	.020 A
Total Parcel	10.0 A	Minimum	Required =	6.07 A

2. If more than one residential dwelling unit is constructed on a single lot, the minimum lot size requirement shall be met for each additional dwelling unit except where that unit consists of a single unit not exceeding 600 square feet in conformance with the land use Table 8(C).

H. *Road Construction*

1. Roads shall be located, constructed, and maintained in such a manner that minimal erosion and sedimentation occurs. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters. All roads shall be located, constructed and maintained in conformance with Maine Sediment and Erosion Control BMPs, previously cited.
2. Additionally, all roads constructed shall conform with the following standards:
 - a. Road crossings of watercourses shall be kept to the minimum number necessary;
 - b. Bottoms of culverts shall be installed at streambed elevation;
 - c. All cut or fill banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible; and
 - d. Bridges or culverts of adequate size and design shall be provided for all road crossings of watercourses, which are to be used when surface waters are unfrozen. The requirement for a bridge or culvert may be waived by obtaining a permit from the Planning Board.

I. *Sanitary Standards*

The following provision should govern the use of Subsurface Sewage Disposal in the "Remote Shoreland Zone" (Zone A):

1. Subsurface Sanitary Sewage Disposal shall be in conformance with the Maine State Plumbing Code.
2. The minimum setback for underground sewage disposal facilities from normal high water mark of water body shall be no less than 100 horizontal feet.

J. *Soils*

All land uses shall be located on soils in or upon which proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether

during or after construction. Proposed uses requiring subsurface waste disposal, and other similar intensive land uses, shall require a soils report, prepared by, as appropriate, a Licensed Site Evaluator, a State-Certified Soil Scientist, or State-Certified Geologist, or Licensed Professional Engineer with geotechnical expertise based on an on-site investigation.

K. *Structures*

All principal structures allowed by Section V in any zone except in the Commercial Fisheries/Maritime Activities Zone and except in Zone C, shall be set back at least 75 feet from the normal high water mark, as defined in Section XII, of any pond, river, or salt water body.

This setback requirement shall not apply to marine-related support structures, such as docks, piers, and launch ramps.

L. *Timber Harvesting*

1. No substantial accumulation of slash shall be left within fifty (50) feet of the normal high water mark of any pond, river, or salt water body as defined. At a distance greater than fifty (50) feet from the normal high water mark of such waters and extending to the limits of the area covered by this Ordinance, if slash is not burned or chipped, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground.

2. Skid trails, log yards, and other sites where the operation of logging machinery results in the exposure of substantial areas of mineral soil shall be located such that an un-scarified filter strip is retained between the exposed mineral soil and the normal high watermark of any pond, river, or salt water body as defined. The width of this strip shall vary according to the average slope of the land as follows:

Average Slope of Land between Exposed Mineral Soil and Normal High Water Mark (percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water mark (Feet along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

3. Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.

4. Harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained.

5. Except in the Commercial Fisheries/Marine Activities Zone, and General Development Districts, harvesting activities shall not create single openings greater than seven thousand five hundred (7,500) square feet in the forest canopy.

6. Except in the Commercial Fisheries/Marine Activities Zone, and General Development Districts, in any stand, harvesting shall remove not more than forty (40) percent of the volume of trees in any ten (10) year period. For the purpose of these standards, a stand means a contiguous group of trees, sufficiently uniform in species, arrangement of age classes, and conditions, to be identifiable as a homogeneous and distinguishable unit.

7. Timber harvesting operations not in conformance with 2, 4, 5, and 7 above may be allowed by the Planning Board upon approval of a permit granted in accordance with provisions of Section VII, subsection 6, paragraphs *a-e* upon a clear showing by the

applicant that such an exception is necessary for proper timber management.

M. Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant or aquatic life.

VII. Administration.

A. Permit Procedures

1. No structure, building, prefabricated house, mobile home, trailer, campground, or road may be located or work begun in the township without a written permit from the Planning Board. (For the purpose of this paragraph docks, sheds, garages, workshops, major incinerators and above-ground storage tanks for water, kerosene, and gasoline are considered structures.)
2. No title to any subdivision of land may be transferred without written approval of the subdivision plan by the Planning Board, unless otherwise exempted by State Statute. The Planning Board shall use the definitions and standards in the State Subdivision Statute (30-A M.R.S.A. §4401, et seq.) in its review and approval process of a subdivision application.
3. Any resident or taxpayer may apply for a building permit or approval of title transfer without payment of fees or reimbursement of Town expenses, provided the permits are outside of the Shoreland Zone and for residential uses and residential subdivisions of 5 dwelling units or less . When permits are requested for commercial or industrial uses or subdivisions of over 5 dwelling units, then the Board will require the Applicant to reimburse the Board for expenses that may be incurred to hire professionals to provide a peer review of the application. When permits are requested for areas covered by the Shoreland Zoning Ordinance, the Applicant must pay any fees incurred in arranging for the Town-appointed Codes

Enforcement Officer (CEO) to issue the permit or inspect a construction project in progress. Any applicant for a Plumbing Permit must pay the required fees for that permit. Anyone who is granted a permit or approval must proceed to his or her requested undertaking without delay. Outside the Shoreland Zone, permits will expire if substantial construction (i.e., >30% of the value of the permitted structure) is not completed within 2 years.

4. Each application must document by plans, narrative, and supporting calculations the location of any proposed structure, its intended construction, arrangements to be made for plumbing and sewage, safety precautions for dangerous or combustible substances, and access from public rights-of-way. For the purposes of this paragraph trailers, mobile homes, docks, sheds, garages, workshops, out-buildings, and storage tanks for inflammable liquids or gases are all considered structures requiring the specified information. All subdivision application plans shall be submitted in both paper form and also in a digital format with features and lot lines georeferenced to Maine State Plane, NAD83, East Zone, in feet. The Board shall specify the format requirements.
5. The Code Enforcement Officer shall approve or deny those applications on which he is empowered to act as shown in Section V. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.
6. The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board must use its best efforts to review any Application for completeness within 35 days of receipt by the Planning Board Chair. Once an Application is deemed complete, the Planning Board must render a decision within 35 days, unless it votes, by a majority of those present, to hold a public hearing, in which case a decision would be rendered within 35 days of the close of the public hearing. The Board must use its best efforts to hold a public hearing within 60 days of the receipt of a complete application. The Board must consider each application and approve it unless the Board finds one of the following obtains:
 - a. Water quality of the ocean, lake, brooks, or the water supply of an abutter or other landowner will be adversely and materially affected, or that high probability of such adverse and material effect exists.

- b. That significant air pollution would occur in violation of either primary or secondary standards established by the Federal Government or the State Government or that a high probability of such air pollution would exist.
- c. A public nuisance or a fire hazard would be created.
- d. Access from public rights-of-way or from the shore would be inadequate for the traffic likely to be created.
- e. A proposed land use would, based on the Planning Board's review of the evidence presented, be seriously destructive of the present character of the island.

7. All decisions of the Planning Board and of the Appeals Board will conform to State Law, including the State Subdivision Law, the Mandatory Shoreland Zoning Act, and statutes governing the Appeals Board found at 30-A M.R.S.A. §2691 & §4353, where applicable.

B. Administering Bodies and Agents

1. The Planning Board shall consist of five members and two alternates . The Planning Board members shall be nominated and voted on at the Annual Town Meeting to serve a term of either one year, two years, or three years at the first election following the approval of this Ordinance amendment. Thereafter, when the initial terms expire, those positions will be elected for terms of 3 years. If a vacancy occurs due to death, resignation, or other reason, the Selectmen shall appoint a person to fill the position for the remainder of the year until the next Annual Town Meeting. The Board shall elect its own Chairman to serve for the year following each Annual Town Meeting. The Board may elect a Secretary and Vice-Chairman from its members.
2. Code Enforcement Officer. The Selectmen shall appoint a Code Enforcement Officer following each Annual Town Meeting to serve a term of one year. The Code Enforcement Officer must become Certified by the State within one year of appointment in accordance with 30-A M.R.S.A. §4451.
3. Board of Appeals. The Board of Appeals of the Town of Isle au Haut shall hear appeals from decisions of either the CEO or Planning Board. The Board of Appeals will use its best efforts to conduct a hearing

on a properly filed appeal within 60 days and render its decision on the appeal within 35 days of the hearing. The Board will conduct de novo hearings, permitting new evidence to be submitted that was not part of the Planning Board record. The Board of Appeals is empowered to grant variances based on undue hardship (30-A M.R.S.A. §4353(4)), disabilities (30-A M.R.S.A. §4353(4-A)), set-back variances for single-family dwellings (30-A M.R.S.A. §4353 (4-A), dimensional standard variances (30-A M.R.S.A. §4343 (4-C)), and use variances (however, use variances shall not be granted in the State 250' Shoreland Zone). Use variances shall only be granted in cases of undue hardship.

4. Rules. Each board shall set its own rules and establish its own procedures subject to the following stipulations. All meetings shall be public, all minutes shall be available, after approval at the next subsequent meeting of the Board concerned, to any resident or non-resident taxpayer who requests them.

VIII. Separability

If any provision of this Ordinance is held to be invalid for any reason, such invalidity shall not affect the remaining provision of the Ordinance which shall remain in full force and effect.

IX. Concurrence of Jurisdictions.

In case of concurrence of jurisdictions (State ownership of certain islands and/or ledges, Federal ownership of property), the provisions of this Ordinance will be advisory with respect to the State and Federal Governments.

X. Amendment.

This Ordinance may be amended in whole or in part at any regular Town Meeting by an affirmative vote of a majority of those present and voting. If an amendment is contemplated, the Planning Board shall hold a public hearing at least 30 days prior to the Town Meeting.

XI. Enforcement.

A. Nuisances.

Any violation of this Ordinance shall be deemed to be a nuisance.

B. Code Enforcement Officer.

It shall be the duty of the Code Enforcement Officer 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 a 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.

C. 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, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of municipality.

D. Fines.

Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of a minimum of \$100.00 and no greater than the statutory limit for each day a violation continues beyond official notice of the violation is given, subject to the maximum fine permitted by Statute. Each day such a violation is continued is a separate offense. Fines shall be converted to the Town of Isle au Haut general fund.

XII. Definitions.

Terms not defined herein shall have the customary dictionary meaning. As used in this ordinance, the following definitions shall apply:

Water Related Terms.

A. Pond.

Any inland body of water which has a surface area in excess of 10 acres, except where such body of water is man-made and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds less than 30 acres which are held primarily as waterfowl and fish breeding areas for hunting and fishing.

B. Mean High Water Mark of Coastal Waters.

That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap, called Mean High Water on the NOAA tide charts, and may be determined by topographic land surveying techniques.

C. Normal High Water Mark of Inland Waters.

That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups – water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plant groups – upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places

where it can be determined by the above method.

D. Normal High Water (coastal)

This has the same meaning as the State Shoreland Zoning Guidelines “upland edge of a coastal wetland”. This boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide (HAT) level, including all areas affected by tidal action.

Forest Management Terms.

D. Forest Management Activities.

Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but no the construction or creation of roads.

E. Timber Harvesting.

The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Road Terms.

F. Roads.

A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles. As defined by this Ordinance, a road includes all public ways and all private ways serving more than one dwelling that were in existence as of March 1975.

Structure Terms.

G. Structure.

Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind. It does not include wells, utility poles, or below-ground constructed facilities.

H. Principal Structure.

The Structure in or on which the primary use of the lot is conducted.

I. Accessory Structure.

A structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted.

J. Residential Dwelling Unit.

A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes and motor homes

K. Bridges over 20 feet in Length, Causeways, Marinas, and Similar Uses Projecting into Water Bodies.

Temporary: Structures which remain in the water for less than seven months in any period of twelve consecutive months.

Permanent: Structures which remain in the water for seven months or more in any period of twelve consecutive months.

L. Emergency Operations.

Emergency operations shall include operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement and operations to rescue human beings and livestock from the

threat of destruction or injury.

M. Marine-Related Activities.

This term includes commercial and pleasure activities which are directly related to the ocean. Such activities shall include but not necessarily be limited to all activities directly related to the commercial harvesting or growing of fish, shellfish, seaweed, and boating; including the loading and off-loading of materials, supplies and “catches” as well as the maintenance, construction and repair of vessels, gear and equipment associated with these marine activities.

N. Marine-Related Support Structures.

This term shall include principal structures including piers, docks, wharves, floats, launch ramps, ways, pounds, and weirs and accessory structures associated with the facilitation of marine related activities.

O. Official Map

The Official Zoning Map of the Town of Isle au Haut Zoning Ordinance shall be defined as the geographic areas contained within the official map polygon shapefiles or equivalent Google Earth™ Keyhole Markup Language (KML) files that are available for download from the Town website. These Geographic Information System (GIS)-based files show which land areas of Isle au Haut are contained within each defined zone described in Section IV of the Ordinance. Where zones were intended to conform to parcel lot lines, as in the case of Zones F, G, H, I, and J, the boundaries of the zones are intended to conform to actual lot lines in any case where the lot lines are later determined by a registered survey to differ from the boundaries of the intended zones as defined in the GIS files. A paper map illustrating the locations of these zones is appended to this Ordinance, but the Official Map shall be the GIS files.

XIII. Transition Provision.

Nothing in this ordinance shall adversely affect a building permit issued by the planning board or the renewal thereof if the building permit has been issued prior to January 1, 1978.

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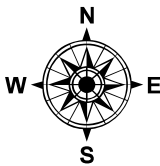
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Note: the Official Zoning Map of the Town of Isle au Haut Zoning Ordinance shall be the Digital ESRI Shapefiles stored and available on the Town website

Zone Classifications




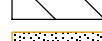



- A = Remote Shoreland
- B = Accessible Interior
- C = Accessible Shoreland
- D = Remote Interior
- E = Resource Protection
- F = Affordable Housing Overlay
- I = General Development II
- J = Commercial Fisheries/Maritime

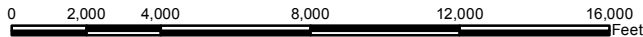
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-  F
-  Roads

Town2016Zoning

Zone

-  A
-  B
-  C
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-  E
-  I
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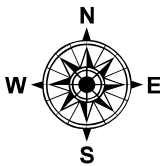
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Zone Classifications








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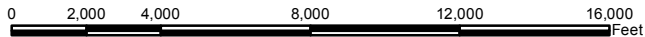
Legend

-  F
-  Roads

Town2016Zoning

Zone

-  A
-  B
-  C
-  D
-  E
-  I
-  J



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Appendix A



- Zone A: Remote Shoreland
- Zone B: Accessible Interior
- Zone C: Accessible Shoreland
- Zone D: Remote Interior
- Zone E: Resource Protection (RP)

ISLE AU HAUT
OUTER ISLANDS

Zoning 1982



Affordable Housing Overlay Zone

