

CHAPTER 1. GENERAL PROVISIONS

SECTION 1. AUTHORITY AND PURPOSE

A. Authority

This Land Development Code is adopted per Article VIII, Part 2, of the Maine Constitution and the Home Rule provisions of Title 30-A MRSA Section 3001. This Land Development Code complies with the requirements of the Maine Revised Statutes Annotated, Titles 1, 12, 17, 30-A, 33, and 38.

B. Purpose

The purpose of this Land Development Code, prepared as part of a Comprehensive Plan for the development of the Town, 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, placement of structures, 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; and

To conserve natural resources; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird, and other wildlife habitat; and conserve shore cover, visual as well as actual points of access to inland areas, especially on flood prone areas and shores unsuitable for development.

SECTION 2. EFFECTIVE DATE

The effective date of this Land Development Code is June 5, 1993, with amendments dated June 1, 1996 as follows: Chapter 2 Land Use Ordinance; Chapter 3 Subdivision Ordinance; Chapter 7 Kennel Ordinance; Chapter 9 Appeals; and Chapter 11 Definitions; and November 4, 2003 as follows: Chapter 2 Land Use Ordinance.

SECTION 3. VALIDITY AND SEVERABILITY

Should any section or provision of this Land Development Code be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Land Development Code. Wherever a conflict may be found to exist between this and any other town ordinance, the more restrictive provision shall apply.

SECTION 4. AMENDMENTS

This Land Development Code may be amended by a majority vote of the legislative body. Amendments applying to Resource Protection, Stream Protection and Shoreland Districts must be submitted to DEP and approved by its Commissioner, in accordance with Title 38, M.R.S.A., section 438-A(3).

SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES

Unless otherwise set forth in the China Land Use District Map, district boundary lines are property lines, the centerline of streets, roads, and rights-of-way, and the boundaries of the Resource Protection, Stream Protection and Shoreland Districts as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

SECTION 6. BASIC PROVISIONS

This Land Development Code includes the Town of China Land Use Ordinance, the Town of China Subdivision Ordinance, the Town of China Phosphorus Control Ordinance, and the Town of China Floodplain Management Ordinance, which are included herein as Chapters 2, 3, 4, and 5, respectively. Chapters 2, 3, 4, and 5, shall be governed by the provisions of Chapters 1, 9, 10 and 11.