

9.6 Lot and Yard Requirements.

In each district, the division of land and placement of structures shall conform to the following table:

TABLE A. Dimensional Requirements(1)

	<u>Village</u>	<u>Res</u>	<u>Rural</u>	<u>BC</u>	<u>LC</u>
Lot Size (sq. ft.)					
Non Residential	80,000	120,000	200,000	80,000	80,000
Residential					
Single Family	80,000 ⁽²⁾	120,000 ⁽²⁾	200,000 ⁽²⁾	n/a	80,000 ⁽²⁾
Duplex					
for first Dwelling					
Unit	80,000	120,000	200,000	n/a	n/a
for each additional					
Dwelling Unit	40,000	60,000	100,000	n/a	n/a
Multi-family					
for first Dwelling					
Unit	80,000	120,000	n/a	n/a	n/a
for each additional					
Dwelling Unit	40,000	60,000	n/a	n/a	n/a
Elderly Housing					
for first Dwelling					
Unit	80,000	120,000	200,000	n/a	n/a
for each additional					
Dwelling Unit	20,000	20,000	20,000	n/a	n/a
Buildable Area					
(sq ft)(2)	40,000 ⁽²⁾	40,000 ⁽²⁾	60,000 ⁽²⁾	40,000	40,000
Street Frontage(ft)	150	200	250	150	150
Lot Width(ft)	150	200	250	150	150
Front Yard(ft)	40	40	50	40	40
Side Yard(ft)(3) (4) (5)	20	30	50	20	20
Rear Yard(ft)(4) (5)	20	30	50	20	20
Shore Frontage(ft)	200	200	250	300	300

- (1) All figures are minimum requirements.
- (2) Per dwelling unit. Minimum lot size and buildable area does not apply to an accessory dwelling unit constructed in compliance with Section 11.23
- (3) Side yards may be reduced to 20% of the frontage but no less than 20 feet for non-conforming lots of record.
- (4) For accessory buildings, the CEO shall allow a reduction, but in no case to less than 20 feet, if the following conditions are met:
 1. The building is not used to house animals.
 2. There will remain a 40 ft. separation of buildings and structures from those on adjoining lots.
 3. The accessory building is no larger than 750 sq. ft. and not greater than 18 feet in height.
- (5) For accessory buildings on non-conforming lots of record in existence on the date of passage of this amendment, October 28, 1989, the CEO shall allow a reduction, but in no case to less than 12 feet, if the following conditions are met:
 1. The building is not used to house animals.
 2. The Fire Chief has stated in writing that the proposed structure will not cause an increased risk of fire hazard considering the proximity of neighboring structures, the construction material to be used and the proposed use of the structure and that adequate room remains elsewhere on the lot for access of emergency equipment as for fire-fighting.
 3. There will remain a 24 foot separation of buildings from those on adjoining lots.
 4. The accessory building is no larger than 750 sq. ft. and not greater than 18 feet in height.
- (6) For non-conforming vacant lots which fail to meet the required lot size, the required buildable area shall be computed as follows: $als \times ba / ls = rba$; where als = actual lot size, ba = buildable area for the district; ls = lot size for the district and use; and rba = required buildable area. (added 11/6/12)

9.7 Height Restrictions.

The maximum building height permitted shall be two stories or thirty feet. However, this height requirements shall not apply to farm buildings, flagpoles, chimneys, ventilators, domes, water towers, church steeples, tanks, windmill towers or other structures or building accessory features usually erected at a height greater than the main roofs of buildings provided that such structures or accessory features are not for human habitation or occupancy and further provided that any structure or accessory features higher than thirty feet is set back from all property lines a distance at least equal to its height.

9.8 Land Use Regulations.

The Permitted Uses and Conditional Uses for each district are shown on the following Table. Uses similar to Permitted Uses shall be Permitted Uses. Uses similar to Conditional Uses shall be Conditional Uses. Uses similar to Not Permitted Uses shall be Not Permitted Uses.

9.8.A. All permitted uses which exist or have been issued a Certificate of Occupancy signifying that the Code Enforcement Officer has found the principal use to be in compliance with this Ordinance may also use the lot for accessory uses and may apply for building permits for accessory structures.

9.8.B. All conditional uses which exist or have been issued a Certificate of Occupancy signifying approval by the Planning Board and compliance with conditions of approval shall apply to the Planning Board for building permits or Certificates of Occupancy for any proposed accessory use or structure. The Board shall treat such secondary applications as if the application were for a Conditional use and follow the procedures and provisions of Article 8.

In the following table, the symbols have the following meanings:

P - The use is permitted without Board review (except that approval from the Code Enforcement Officer, with the exception of Timber Harvesting, is required in the BC Zone, - see Section 11.28) in conformance with all applicable performance standards, subject to issuance of a certificate of occupancy.

E - Conditional Use, permitted after review and approval by the Planning Board in accordance with Article 8.

N - Use not permitted.

* - See specific performance standards in Article 11.

TABLE B - LAND USE⁹

LAND USE	Ord. Ref	V⁶	Res	Rur	S	RP	BC⁶	LC⁶
Accessory Dwelling Unit*	11.23	P	P	P	P	N	N	P
Active Outdoor Recreation*	11.19	E	E	P	P	N	N	E
Affordable Housing Development*	11.22	E	E	E	N	N	N	N
Agriculture*	11.1	P	P	P	P	E	P ⁶	P
Agritourism Facility		E	E	E	N	N	E	E
Amusement Centers*	11.2	E	N	N	N	N	E ⁶	E
Animal Husbandry*	11.3	E	E	P/E ¹	E	E	E ⁶	E
Artisanal Food and/or Beverage Facility		E	N	E	N	N	E	E
Auto Repair Garage (#)		E	N	E	N	N	E	E
Auto Service Station (#)		E	N	N	N	N	E	E
Automobile Graveyards & Junkyards (#)		N	N	N	N	N	E	N
Automobile Industrial/Equipment Repair (#)		N	N	N	N	N	E	E
Bar		E	N	N	N	N	P ⁶	P
Bed & Breakfast		P	E	P	N	N	N	N
Breakwaters & Causeways*	11.13	N	N	N	P*	E*	N	E
Business Contractor		E	E	E	N	N	E	E
Bulk Fuel Storage (#)		E	N	N	N	N	E ⁶	E
Bus. & Professional Offices(2)		P	N	N	N	N	P ⁶	E
Bus. & Professional Offices(3)		E	N	N	N	N	E ⁶	E
Campgrounds*	11.4	N	N	E	E	N	N	E
Car Wash Facility#		N	N	N	N	N	E	E
Cemeteries		E	E	E	N	N	N	N
Churches		E	E	E	E	N	E ⁶	N
Cluster Development*	11.6	E	E	E	E	N	N	N
Commercial Composting		N	N	N	N	N	E	E
Commercial Recreation		E	N	E	N	N	E ⁶	E
Daycare Facility		E	N	E	N	N	E ⁶	E
Daycare Home		E	E	E	N	N	E ⁶	E
Duplexes		P	P	P	P	N	N	N

Table B. Land Use (continued)	* Ref	V⁶	Res	Ru	S	RP	BC⁶	LC⁶
Elderly Housing *	11.22	E	E	E	N	N	N	N
Extractive Industry*	11.7, 11.9	N	N	E	N	N	N	N
Flea Market		N	N	P	N	N	E	E
Forestry*	11.5, 11.18	P	P	P	P ⁸	P ⁸	P ⁶	P
Function, Reception, Banquet Hall, Event Venue		E	N	E	N	N	E ⁶	E
Funeral Homes		E	E	E	N	N	E	E
Golf Course		N	N	P	E	N	P ⁶	E
Home Occupations*	11.10	P	P	P	P	N	P ⁶	P
Individual Private Campsites*	11.21	P	P	P	P	P	N	E
Kennels*	11.11	E	E	E	E	N	E ⁶	E
Manufactured Housing Units*	11.14	P	P	P	P	N	N	N
Manufacturing*	11.12	N	N	E	N	N	E ⁶	E
Marinas*(#)	11.13	N	N	N	E*	N	N	E
Mechanized Outdoor Recreation*	11.19	N	N	N	N	N	E ⁶	E
Medical Marijuana Dispensaries*	11.27	N	N	N	N	N	E ⁶	E
Medical Offices & Clinics		E	E	E	N	N	E ⁶	E
Mobile Home Parks*	11.15	N	E	N	N	N	N	N
Mobile Vendor/ Food Cart		E	N	E	N	N	E	E
Motels, Hotels & Inns*	11.16	E	N	N	N	N	E ⁶	E
Motor Vehicle Sales		N	N	N	N	N	E ⁶	E
Multi-Family Dwellings*	11.17	E	E	N	N	N	N	N
Municipal Uses		E	E	E	E	N	E ⁶	E
Nursing Homes		E	E	E	N	N	N	N
Passive Outdoor Recreation*	11.19	P	P	P	P ⁴	P ⁴	P ⁶	P
Personal Service Establishments		P	N	N	N	N	P ⁶	E
Piers Shorter than 20 ft.*	11.13	N	N	N	P*	P*	N	E
Private Clubs		E	N	E	E	N	E ⁶	E
Public & Private Parks		P	P	P	E	E	P	E
Public Utilities		E	E	E	E	N	E ⁶	E
Research & Testing Facilities		N	N	E	N	N	E	E
Restaurants		E	N	E	N	N	E ⁶	E
Retail Business(2)		E	N	N	N	N	P ⁶	E
Retail Business(3)		E/N ⁷	N	N	N	N	E ⁶	E
Schools		E	E	E	N	N	E ⁶	N
Single Family Dwellings		P	P	P	P	N	N	E
Small Wind Energy Systems*	11.26	E	E	P	N	N	E ⁶	E
Solar Energy System, Small Scale	11.29	P	P	P	P	P	P	P
Solar Energy System, Medium Scale	11.29	N	N	E	E	E	E	E
Solar Energy System, Large Scale	11.29	N	N	E	E	E	E	E
Spreading/Storage of Sludge & Septage*	11.24	N	N	P	N	N	N	N
Timber Harvesting*	11.8	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸

Table B. Land Use (continued)	* Ref	<u>V</u>⁶	<u>Res</u>	<u>Ru</u>	<u>S</u>	<u>RP</u>	<u>BC</u>⁶	<u>LC</u>⁶
Veterinary Clinic		E	N	E	N	N	E ⁶	E
Warehouses & Outdoor Storage		N	N	N	N	N	E ⁶	E
Wholesale Business		N	N	N	N	N	E ⁶	E
Wireless Telecommunications Facility*	11.25	N	N/E ⁵	E	N	N	E ⁶	E

Footnotes:

1 Permitted on three acres or more; Conditional Use on less than three acres.

2 Smaller than 2,000 sq. ft. floor area.

3 Larger than 2,000 sq. ft. floor area.

4 Without any structures only.

5 Not permitted except as conditional use on municipally owned lots larger than 20 acres.

6 Per Section 11.28, Commercial structures and uses in the BC, LC, V, and BCDS-O Zones must conform with the Buxton Business and Commercial Zone Design Standards

Footnotes Continued:

7 Conditional Use if floor area is not more than 3,000 sq. ft.; Use not permitted if floor area is more than 3,000 sq. ft.

8. By repeal of all local provisions that regulate timber harvesting and timber harvesting activities in shoreland areas, statewide standards apply pursuant to 38 M.R.S. 438-B

9. The Permitted Uses (P), Conditional Uses (E), and Uses not permitted (N) in the BCDS-O Zone shall be the same as the underlying zone(s).

Per Section 10.14.G. use may not be allowed over aquifer or recharge areas.