

ARTICLE 9 - DISTRICT REGULATIONS

9.1 Village District (V).

These are areas where units of residential, commercial and municipal activities currently exist and are to be encouraged in the future, to provide for the continuation of Buxton's Village centers and provide economies in providing municipal services.

9.2 Residential District (Res).

These are areas which will not be sewerred and therefore will provide for residential development at a lower density in a rural environment.

9.3 Rural District (Ru).

It is the intent of this Ordinance to protect the natural rural quality of the community by prescribing the most appropriate uses and standards. It is proposed that these areas remain in very low density of development in order to prevent future land-use problems.

9.4 Shoreland Zones (S).

9.4.A. Shoreland District (S). The purpose of this district is to guarantee the safe and healthful conditions of our water bodies and shoreland areas by preventing and controlling water pollution; protecting spawning grounds, fish, aquatic life, waterfowl, birds, wildlife and wildlife habitat; conserving the natural tree canopy and shore cover along the shoreline; retaining ground vegetation to protect against erosion; providing access (visual as well as actual) to the inland waters and their natural beauty and controlling building sites and land uses.

This district applies to all land areas within 250 feet horizontal distance of the normal high water mark around Bonny Eagle Pond and along the Saco River. In addition, the Shoreland District shall include the land area within 250 feet horizontal distance of freshwater wetlands as indicated on the Official Zoning Map, and the land area within 75 feet of all streams as defined in Article 2 of this Ordinance.

The Shoreland District is an overlay zone and all land uses and buildings shall conform to the stricter requirements where there are conflicts between Sections of this Ordinance. (amended June 14, 2011 by secret ballot)

9.4.B. Resource Protection District (RP). The purpose of this district is to protect environmentally sensitive areas adjacent to water bodies and significant wildlife habitat adjacent to water bodies and wetlands from the impacts of development.

9.5 Business and Commercial District (BC).

This district is to provide areas within the Town of Buxton for manufacturing as well as wholesale and retail distribution of products and services and to provide standards for these uses which will produce a healthy, safe environment for the economic well-being of the community.

9.5A Light Commercial District (LC).

The Light Commercial District is established to accommodate the daily or frequent shopping and other service needs of the community. In this zone land uses are limited primarily to retail stores, service businesses and light industrial activity. The developer or occupant of any use in the Light

Commercial District must take such steps as necessary to minimize adverse effect of such development on neighboring residential properties. Methods of providing such protection will be consistent with the applicable standards in Article 10 and Article 11 of the Buxton Zoning Ordinance and will be discussed with the developer at the pre-application meeting.

9.5B Business Commercial Design Standards Overlay District (BCDS-O)

The purpose of the Business Commercial Design Standards Overlay (BCDS-O) District is to apply, in addition to other applicable standards, the provisions of the Buxton Business and Commercial Zone Design Standards to all commercial buildings and structures erected, reconstructed, renovated, altered, enlarged, or moved in the BCDS-O District, and uses of the premises in the BCDS-O District. The BCDS-O District encompasses all land located within 500 feet of the traveled edge of Route 202, Route 117, Route 4A, Route 22, Route 112, Route 35 and the Portland Road throughout their lengths within the Town of Buxton. The BCDS-O District is an overlay district. Accordingly, the provisions of this District supplement, but do not supplant, the provisions of the underlying district(s). All development and use of land within the BCDS-O District shall conform to the requirements applicable to the BCDS-O District and all requirements applicable to the underlying district(s).

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	<u>V</u>⁶	<u>Res</u>	<u>Ru</u>	<u>S</u>	<u>RP</u>	<u>BC</u>⁶	<u>LC</u>⁶
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.