

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: October 21, 2008
SUBJECT: BA District Zoning Overhaul

Introduction

As part of the implementation of the 2007 Comprehensive Plan, the Town Council has referred to the Planning Board a request to overhaul the BA District Zoning and remake it as a neighborhood business district. Changes to the BA District boundaries and the wetland setback for BA District properties are also included in the amendment package. The Planning Board will consider the amendments under Sec. 19-10-3, Zoning Amendments.

Procedure

- The Board should begin by summarizing the amendments.
- The Board should open the public hearing that has been scheduled for this evening.
- At the close of the public hearing, the Board may continue discussion of the amendments, including consideration of revisions to the proposed text and map amendments.
- At the close of discussion, the Board has the option to recommend or not recommend the amendments to the Town Council for consideration.

Summary of recent changes

The amendments have been drafted to revise the regulations for the Business A District to represent a neighborhood business district. The changes include definitions, permitted uses, performance standards and new design standards. The amendments package also includes a recommendation to reduce the wetland setback to 100' in the BA District for properties served by public water and sewer. Proposed Zoning Map changes to the BA District on Shore Rd and Route 77 are also included and shown on the attached maps.

Motion for the Board to Consider

BE IT ORDERED that, based on the materials and facts presented, the BA District Zoning overhaul text and map amendments (be recommended/not be recommended) to the Town Council for consideration.

SEC. 19-1-3. DEFINITIONS

For the purposes of this Ordinance, the following terms, words, and phrases shall have the meanings given herein. All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future tense. Words used in the singular shall include the plural. Where so indicated by the text, these definitions also include substantive regulations. Where reference is made to Town or State laws, ordinances, or regulations, each reference to a particular law, regulation, or section shall include all amendments and successor sections.

Cottage Industry Manufacturing: The manufacture and retail sale on the premises of artifacts, works of art, products produced by hand or with table mounted or power tools such as ceramics, handmade pottery, hand-blown glass, furniture, millworking, woodworking, woven or textile goods, and articles of a similar nature. The retail sales area shall occupy a minimum of 25% of the area devoted to cottage industry manufacturing.

Restaurant: An establishment where food and drink are prepared, served, and sold to customers for consumption primarily on the premises. The sale of alcohol shall account for less than 50% of total sales and no more than 8 seats at a counter shall be provided. No seating, service or other organized gathering shall be allowed outside after 9:00 p.m.

SEC. 19-6-5. BUSINESS DISTRICT A (BA)

A. Purpose

~~The purpose of the Business District A is to provide for business activity oriented primarily to neighborhood goods and services. It is intended that the district accommodate a mix of uses, both residential and commercial, at a neighborhood scale.~~

This is a neighborhood business district where the business uses are geared to the needs of nearby residents rather than a large scale, regional destination center. The district requirements should promote business vitality, pedestrian connectivity between the business district and the adjacent residential areas, a mix of commercial and housing uses, high quality design that is pedestrian friendly and compatible with the neighborhood, and an efficient use of the land within the district for business uses.

B. Permitted Uses

The following uses are permitted in the Business District A:

1. *The following resource-related uses:*

- a. Any use permitted in Resource Protection 1-Critical Wetlands District, or in Resource Protection 2-Wetland Protection District, or in Resource Protection 3-

Floodplain District, as shown on Table 19-6-9

- b. Farming use, except that outdoor storage of chemicals and commercial animal husbandry are not permitted. Agriculture, provided that no animal or fowl shall be raised for commercial purposes on any lot containing less than one hundred thousand (100,000) square feet
- ~~c. Keeping of livestock, such as a horse, cow, pig, goat, sheep, or similar animal, provided that such activity occurs only on a lot containing at least one hundred thousand (100,000) square feet~~
- ~~d. Removal of topsoil, subject to the provisions of Sec. 19-8-5, Earth Materials Removal Standards~~
- ~~e. Timber harvesting~~

2. *The following residential uses:*

- a. Single family detached dwelling existing as of ~~December 8, 1993~~ April 1, 2008
- b. Multifamily (~~Eff. 2/12/05~~) dwelling units
- ~~b.c. Multiplex housing~~ Congregate housing, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards
- ~~d.d. Rooming or boarding home~~

3. *The following nonresidential uses:*

- a. Banking, professional, and business office
- b. Personal service
- ~~c. Village retail shop~~
- ~~e. Personal service~~
- ~~d. Veterinarian office not including the boarding of animals but allowing presurgical and/or postsurgical care.~~
- ~~e. Medical clinic~~
- ~~f. Restaurant including delicatessen, ice cream parlor, and sit down restaurant~~
- ~~g. Gas station~~
- ~~h. Repair garage~~
- ~~i. Institutional use including, but not limited to, church, government use, and school use~~
- ~~j. Day Care facility~~
- ~~k. Cottage industry manufacturing~~
- ~~l. Bed and Breakfast~~
- ~~d. Restaurant~~
- ~~e. Municipal use~~
- ~~f. Home day care~~
- ~~g. Farm and fish market, with a maximum floor area of two thousand (2,000) square feet for retail sales of products~~

- 1
2 **1.h.** Boat repair facility, subject to the provisions of Sec. 19-8-9, Boat Repair Facility
3 Standards
4

5 **4. *The following accessory uses:***
6

- 7 a. Accessory building, structure or use
8 b. Outside storage accessory to an allowed use provided that the area used for
9 storage shall not exceed the floor area of the principal use and that, except for
10 display area, the outside storage is screened from public view and abutting
11 properties.
12 ~~Outside athletic facility accessory to permitted use~~
13 c. Home occupation
14 d. Home business
15 e. ~~The renting of not more than two (2) rooms within a single family dwelling~~
16 ~~provided that there is no physical alteration of the building and no change in the~~
17 ~~external appearance of the structure. Homestay [termed defined in pending bed~~
18 ~~and breakfast amendments]~~
19 f. Amateur or governmental wireless telecommunication facility antenna (**Effective**
20 **April 15, 2000**)
21 g. Amateur or governmental wireless telecommunication facility tower (**Effective**
22 **April 15, 2000**)
23 h. Commercial wireless telecommunication service antenna which is attached to an
24 alternative tower structure in a manner which conceals the presence of an antenna.
25 (**Effective April 15, 2000**)
26 **i.** Accessory dwelling unit
27 **j.** metal working where the work is to be conducted indoors in an area not to exceed
28 300 sq. ft with no outside storage of equipment or materials.
29

30 **~~C. — Conditional Uses~~**
31

32 ~~The following uses may be permitted only upon approval by the Zoning Board as a conditional~~
33 ~~use, in accordance with Sec. 19-5-5, Conditional Use Permits:~~
34

35 ~~—1. *The following nonresidential uses:*~~
36

- 37 a. ~~Day care facility~~
38 b. ~~Fraternal or social institution~~
39 c. ~~Gasoline service station or repair garage~~
40 d. ~~Institution of an educational, religious, or philanthropic nature, including school,~~
41 ~~hospital, church, municipal use, or similar facility~~
42 e. ~~Playground or park~~
43

44 ~~—2. *The following accessory uses:*~~
45

1 a. ~~Accessory dwelling unit~~

2
3 **D.C. Prohibited Uses**

4
5 All uses not specifically allowed as permitted uses or conditional uses are prohibited within this
6 district. Drive through services are prohibited within the Business A District.
7

E.D. Standards

1. Performance Standards

- a. The standards of performance of Articles VII and VIII shall be observed.
- b. Standards relating to permitted and conditional uses in the Business A District include:
 - Sec. 19-7-5 Creation of an Accessory Dwelling Unit
 - Sec. 19-7-6 Eldercare Facility Standards
 - ~~Sec. 19-8-5 Earth Materials Removal Standards~~
 - Sec. 19-8-8 Home Day Care and Day Care Facility Standards
 - Sec. 19-8-9 Boat Repair Facility Standards
- ~~c. Each lot with frontage on an arterial street shall not be allowed more than one (1) driveway onto the arterial street, unless the driveway is shared with an abutting property, in which case two (2) driveways are allowed. Lots with at least two hundred (200) feet of road frontage shall be allowed two (2) driveways.~~
- ~~d. No communication tower in excess of ten (10) feet in height or exposed satellite dish in excess of two (2) feet in diameter shall be allowed which is exposed to public view, except for exclusive municipal uses. Satellite dishes that are installed at ground level and the base of communication towers shall be screened from public view.~~
- ~~e. No parking, except for municipal uses, shall be allowed in the front yard setback.~~
- ~~f. Structures existing as of April 1, 2008, which do not conform to the maximum footprint or the maximum lot coverage requirement may increase the building footprint by up to twenty-five percent (25%), to a maximum footprint expansion of two thousand (2,000) square feet, as long as the development will be in compliance with all other dimensional requirements of Sec. 19-7-4.D.2 [check cite when amendments complete], Space and Bulk Standards, subject to Site Plan review by the Planning Board.~~
- ~~g. Restaurant, including delicatessen, ice cream palor, and sit down restaurant, size shall be limited to no more than 80 seats.~~
- ~~h. Gas station size shall be limited to no more than 4 fuel dispensers.~~
- ~~i. Repair garage size shall be limited to no more than 2 bays.~~
- ~~j. Establishments shall **not** be open to customers between the hours of 10:00 p.m. to 6:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. to 6:00 a.m. Friday and Saturday. In addition, an establishment may be open until 12:30 a.m. up to 3 nights per calendar year if the owner provides prior written notice to the Code Enforcement Officer at least one week before the late night event.~~
- ~~k. Any activity that requires Planning Board review and has frontage on Shore Road~~

shall be required to construct or improve a sidewalk along the frontage of Shore Rd in accordance with the Design standards of subsection D. Any activity that requires Planning Board review and is located in the Route 77 BA District shall be required to provide pedestrian pathway connections to adjacent business properties and residential neighborhoods.

- l. Multifamily dwelling units shall be accessory to a nonresidential use and located in a building where more than fifty percent (50%) of the floor area of the structure is occupied by nonresidential uses. For multi-story buildings, more than fifty percent (50%) of the structure may be allocated for multifamily dwelling units as long as the first floor is nonresidential.
- m. Any conversion of ownership type, such as but not limited to conversion from rental to condominium, shall include adherence to any Planning Board approvals previously granted on the property.

2. *The following Space and Bulk Standards shall apply:*

MINIMUM LOT AREA	
(1) Nonresidential uses, containing no dwelling unit other than an accessory residence for a caretaker or attendant	None, provided that if the lot is not sewered and requires the installation of sanitary plumbing, it shall conform to the regulations of the State Subsurface Wastewater Disposal Rules concerning waste disposal
(12) Single family dwelling unit	
i. adjacent to the RA District	80,000 sq. ft.
ii. adjacent to the RC District	20,000 sq. ft.
(23) Multifamily dwelling unit	15,000 sq. ft.
(34) Other uses	None
MAXIMUM NUMBER OF DWELLING UNITS PER AREA	
(1) Multifamily housing in a mixed use building or multiplex housing	1 unit per 15,000 7,500 sq. ft. of net residential area
(2) Rooming or boarding home	1 bed per 5,000 sq. ft. of gross lot area
MINIMUM STREET FRONTAGE	
(1) All uses	None
MINIMUM SETBACKS	
(1) All uses unless otherwise specified	
(a) Side yard setback	25 ft.; 5 20 ft. if the lot <u>line</u> abuts a Residence District

(b) Rear yard setback	25 ft.; 520 ft. if the lot <u>line</u> abuts a Residence District
(c) Front yard setback	<u>Minimum 10 ft.</u> Maximum 25 ft. The front yard setbacks set forth below may be reduced, only on roads which are not classified arterial, to the average setback of the two principal structures fronting on the same road in closest proximity to the site of the proposed structure, but any structure must be at least 20 feet from the right-of-way.
—Arterial street	40 ft.
—Collector and rural connector streets	30 ft.
—Local, private, and feeder streets	20 ft.
(2) Nonresidential use abutting a Residence District	A buffer shall be established in accordance with the provisions of Sec. 19-8-1.A, Buffering of Nonresidential Uses.
(3) Multiplex housing	
(a) From each property line	75 ft.
(4)(2) Accessory structures with floor area not greater than 100 square feet and a height not greater than 8-1/2 feet from average grade	
(a) Side yard setback	510 ft.
(b) Rear yard setback	5 ft.
(5) Farm and fish markets	
(a) Side yard setback	50 ft.
(b) Rear yard setback	50 ft.
(c) Front yard setback	100 ft.
No outside storage shall be located within these setbacks.	
(6)(3) Antennas extending from 15' to 25' measured from the highest point of the alternative tower structure	
(a) Property line setback	125% of the distance from the ground to the top of the antenna (Effective April 15, 2000)

~~(7)~~(4)- Towers which are freestanding, and towers which are attached or braced against a structure and exceed 15' in height measured from the highest point of the roof of the structure

(a) Property line setback

125% of the distance from the ground to the top of the antenna
(Effective April 15, 2000)

(b) Front yard setback

125% of the distance from the ground to the top of the antenna or the distance from the street right of way to the front of the existing structure plus 5', whichever is more
(Effective April 15, 2000)

~~(8)~~(5)-Deck with a height of less than ten (10) feet above average grade

(a) Side yard setback

~~12.5 ft. 5 ft.,~~
20 ft. if the lot line abuts a Residence District

(b) Rear yard setback

~~12.5 ft. 5 ft.,~~
20 ft. if the lot line abuts a Residence District

~~(9)~~(6)-Accessory building having less than one hundred fifty (150) square feet of floor area

(a) Side yard setback

~~12.5 ft. 5 ft.,~~
20 ft. if the lot line abuts a Residence District

(b) Rear yard setback

~~12.5 ft. 5 ft.,~~
20 ft. if the lot line abuts a Residence District

~~(10)~~(7)-Outdoor recreational facilities such as swimming pools, tennis courts, and basketball courts that are accessory to a single family residential use

(a) Side yard setback

~~12.5 ft. 5 ft.,~~
20 ft. if the lot line abuts a Residence District

(b) Rear yard setback

~~12.5 ft. 5 ft.,~~
20 ft. if the lot line abuts a Residence District

(Rev. eff. 12/10/03)

MAXIMUM TELECOMMUNICATION HEIGHT

<i>(1) Antenna attached to a structure</i>	25' measured from the highest point of the roof of the structure (Effective April 15, 2000)
<i>(2) Amateur or governmental tower attached or braced against a structure</i>	25' measured from the highest point of the roof of the structure (Effective April 15, 2000)
<i>(3) Freestanding amateur or governmental wireless telecommunication tower</i>	50' measured from average original grade (Effective April 15, 2000)

MINIMUM SETBACK OF NON-SHARED PARKING INCLUDING PARKING AISLES FROM PROPERTY LINE

(1) All Uses

(a) Front, side and rear 5 ft.

MAXIMUM BUILDING FOOTPRINT

<i>(1) All uses</i> <u>(1) All uses</u>	<u>4,000 sq. ft.</u> <u>This limitation shall not prohibit the connection of separate structures by a covered or enclosed walkway.</u> (Effective August 11, 1999)
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MAXIMUM BUILDING HEIGHT

<i>(1) All uses</i>	35 ft.
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MAXIMUM BUILDING DIMENSION 75 ft.

E. Design Requirements

The following requirements shall be applicable to all development which requires site plan review by the Planning Board or any new construction or addition in the Business A District. These standards shall be used to determine if a development is compatible with the purpose of the Business A District. The intent is not that all buildings should look the same, but rather to encourage a mix of compatible styles, sizes, and characteristics.

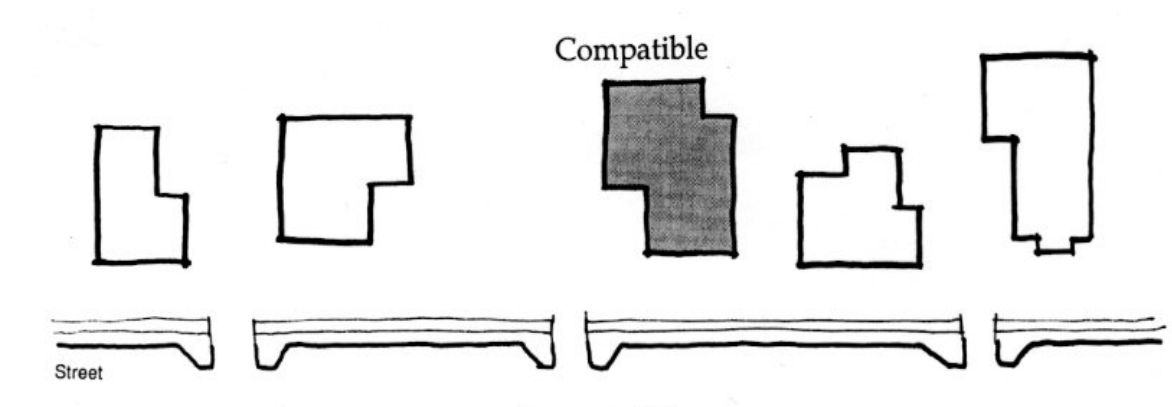
The design requirements recognize that the character of the BA District in the Shore Rd area and the character of the BA District in the Ocean House Rd area are individually distinctive. The design illustrations, therefore, are designated as applying to both or only one of the BA Districts.

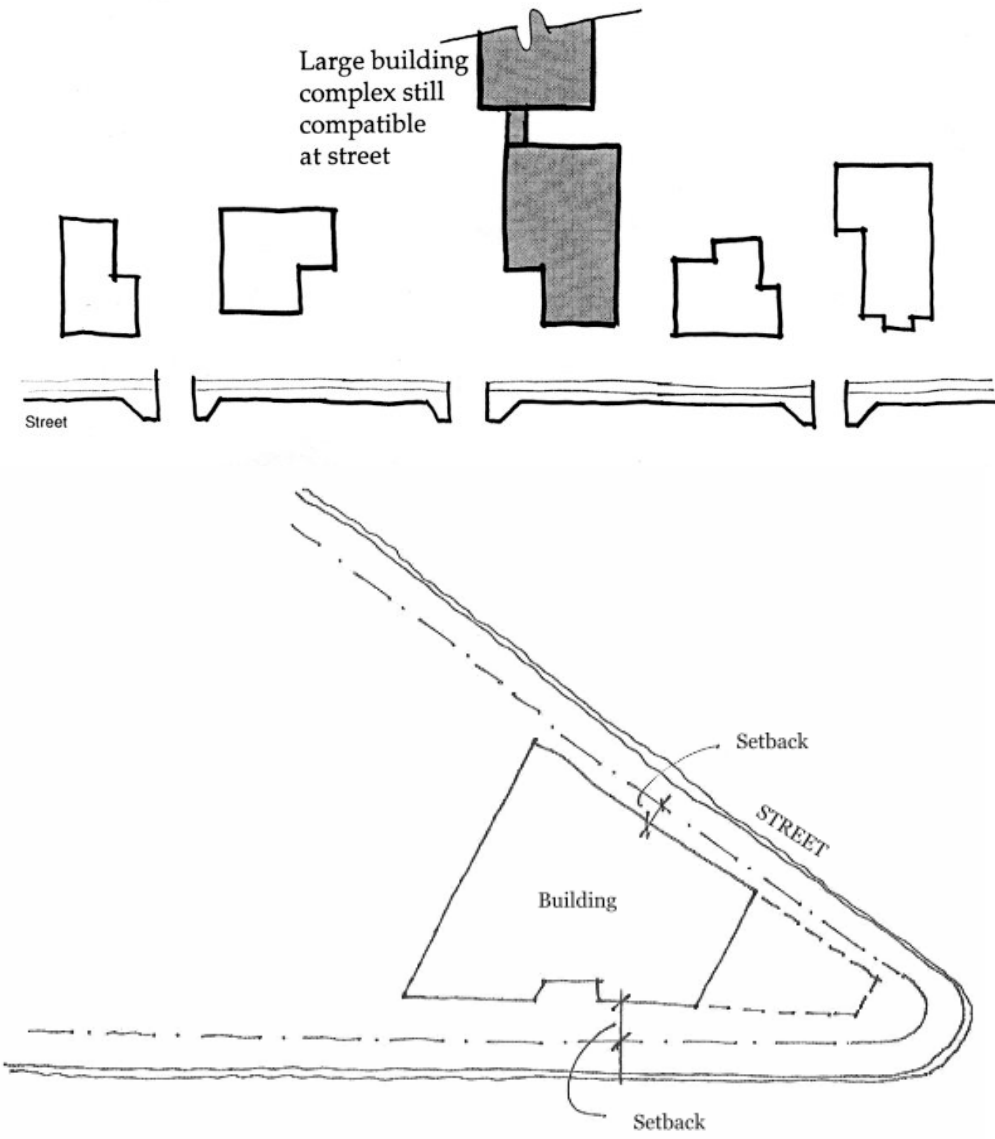
The Shore Rd District is a compact neighborhood commercial area where buildings hug the street line, sidewalks are common and setbacks are minimal. The building architecture is predominantly multi-story with retail, transparent storefronts and architectural details.

The BA District on Ocean House Rd, while also a neighborhood commercial area, has a more relaxed beach/seaside retail character. Buildings are set back further from the road and from each other. Less formal pedestrian paths that meander in their distance from the road add to the more casual feel. Buildings are predominantly single story, although second stories that appear tucked under the eaves of the roof are present.

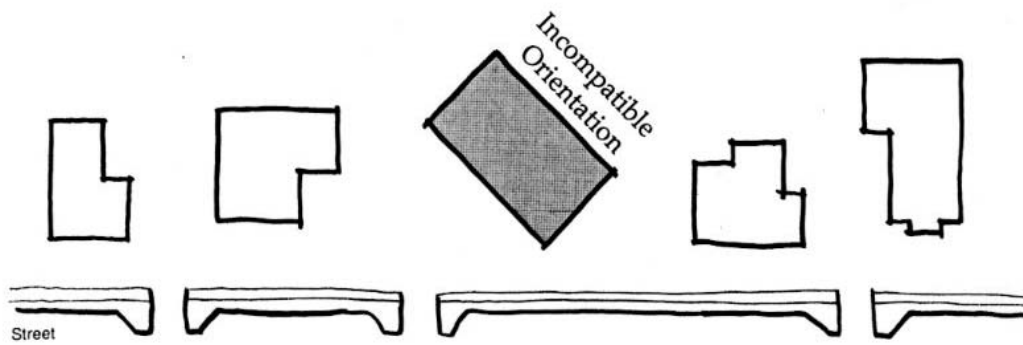
- a. Footprint. The building footprint of new construction shall be compatible with the Business A District. The visual impact of a building is influenced by the placement of other buildings on the lot, the irregular and varied surface of buildings due to architectural features, and the spaces between those buildings along the street. The existing buildings and open spaces between the buildings create a rhythm with which new construction should be compatible. Determination of compatibility shall be based on the overall building footprint square footage, the dimensions of each footprint side, placement of the building footprint on the lot, and the rhythm of buildings and spaces along the street edge.

Compatible: Shore Rd, Ocean House Rd

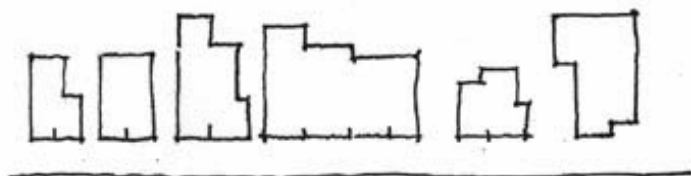




Incompatible: Shore Rd, Ocean House Rd

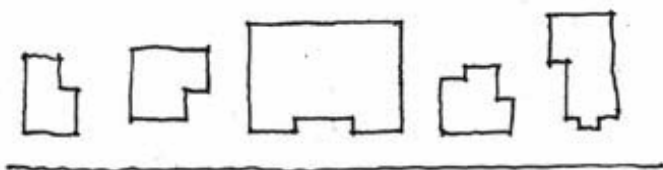


Compatible: Shore Rd

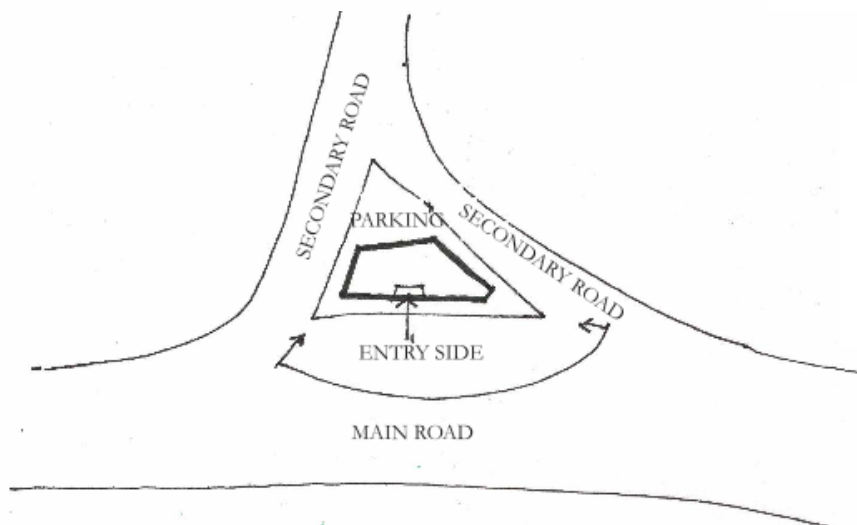


Modulate façade at street level with bays. Storefronts to be compatible with other storefronts

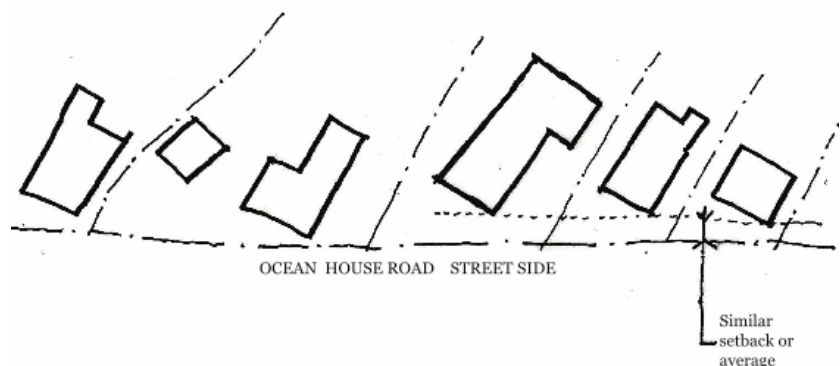
Compatible: Ocean House Rd



Modulate form by breaking buildings into smaller sections along the façade



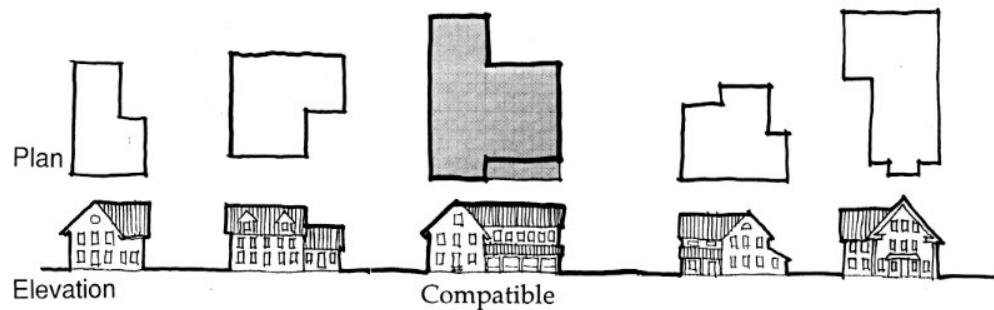
Establish a street façade with a building even on an irregularly shaped lot



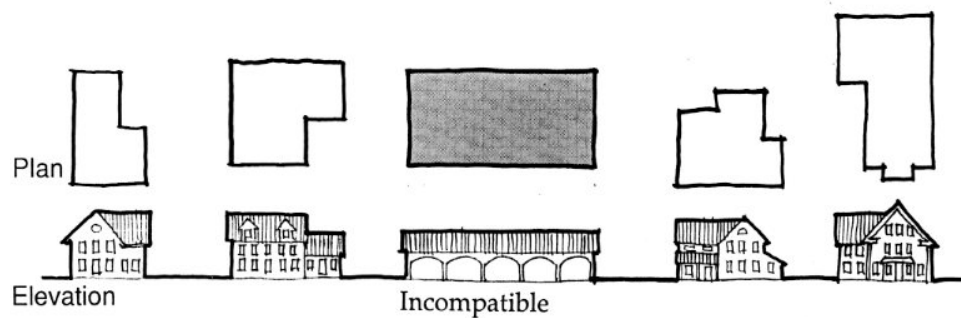
Angle building placement to the street in a continuation of a common pattern

- b. Scale. Scale is the apparent size of a structure in relation to its surroundings, including other buildings, open space, and people. Scale gives a building "presence," making the building seem large or small, awkward or graceful, overpowering or unimportant. The perception of a structure is influenced by its size, but more importantly how the overall size is distributed throughout the building. New construction shall be compatible in scale with other structures in the district. A well-articulated building that is larger in square footage than adjacent residential buildings may be compatible in scale. Determination of compatibility shall be based on the maximum dimension of the structure, the degree of articulation on building surfaces, the magnitude of unbroken faces of a structure, the impact of the building mass upon view sheds, and the integration of mechanical equipment within the structure.

Compatible: Shore Rd, Ocean House Rd



Incompatible: Shore Rd, Ocean House Rd

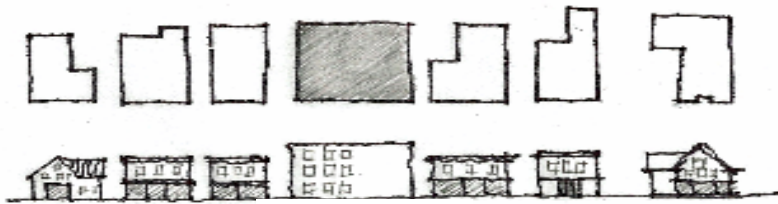


Compatible: Shore Rd



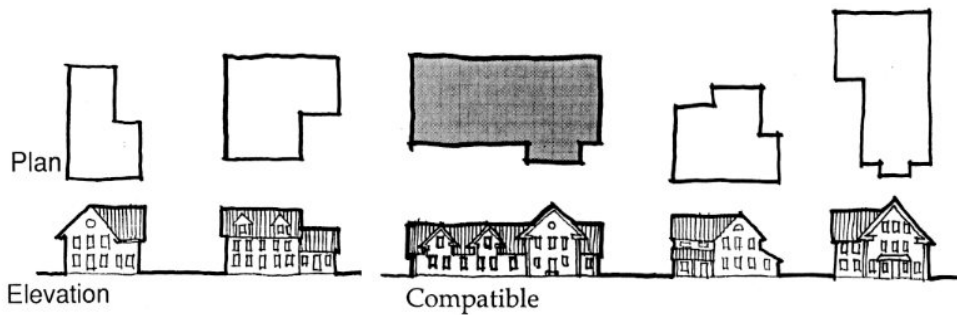
Examples of
compatible
scale

Incompatible: Shore Rd

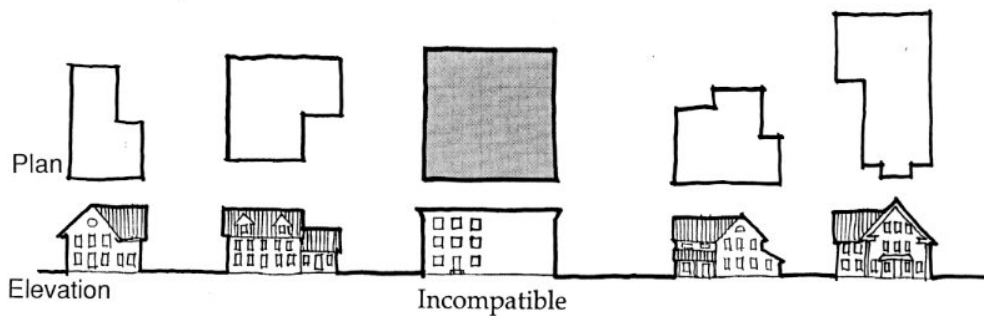


Incompatible

Compatible: Ocean House Rd



Incompatible: Ocean House Rd



- c. Height and Roof Pitch. The height of a building and the type of roof design significantly influence the scale of a structure and can detract from the streetscape. New roof construction shall conform to the predominant heights of roofs of nearby buildings in the Business A District and to the design of the structure. Roofs shall generally be of a gable or other sloping roof design. In the Shore Rd district, roofs may be flat as long as total height of the roof does not exceed 30' and the roof edge is articulated with substantial architectural elements. Sloped roofs in the Shore Rd District shall have a minimum pitch of 7:12 or as matches the existing roof pitch. In the Ocean House Rd District, roofs shall have a minimum pitch of 4:12 or as matches the existing roof pitch.

Compatible: Shore Rd



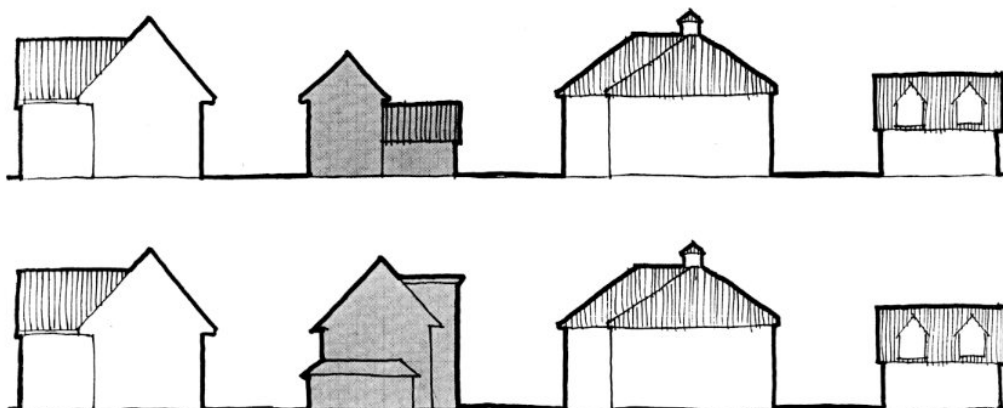
Flat roofs may be compatible with a modulated and/or articulated roof edge

Incompatible: Shore Rd



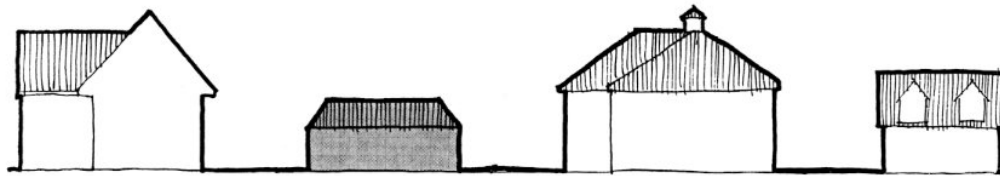
Incompatible height and roof pitch

Compatible: Ocean House Rd

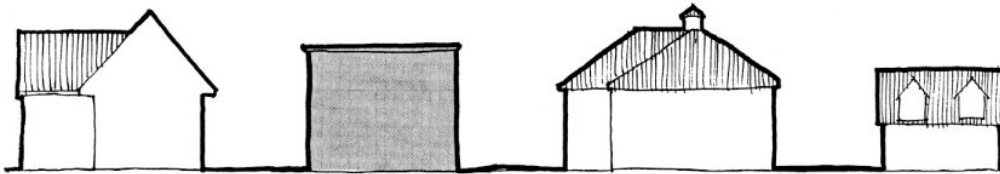


Negative effects of tall buildings can be mitigated with compatible roof elements on the street side

Incompatible : Ocean House Rd



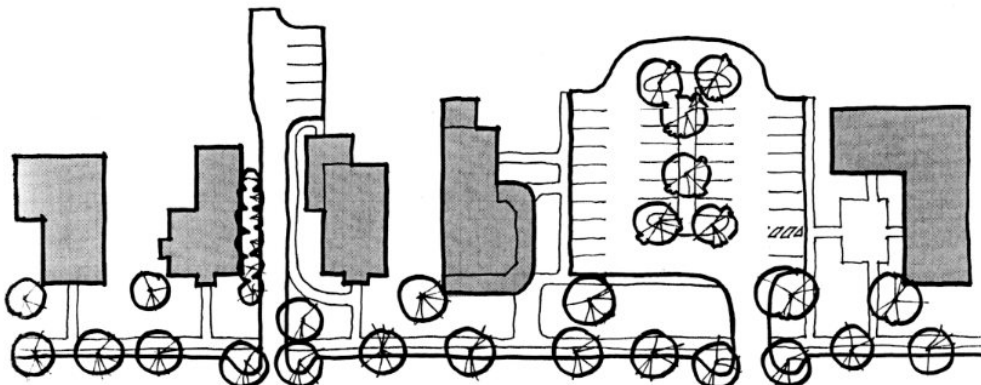
Mansard incompatible
with nearby gables
and hip roofs



Flat roof incompatible
with nearby gables
and hip roofs

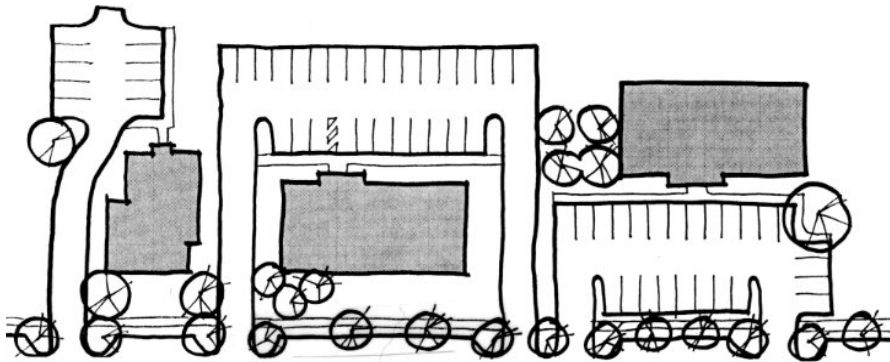
d. Building and Parking Orientation. The first impression of a building is from the side which faces the street. The front facade of the structure shall face the street. The structure shall be designed with a primary orientation to the street, although the primary entrance may be located on other than the front façade. The front facade shall include a distinctive entrance. A sidewalk shall be constructed parallel to the front façade of lots located on Shore Rd. For lots located in the Route 77 Business A District, pedestrian pathways shall be provided to adjacent businesses and residential neighborhoods. The side yard visible to the public should be designed to present a pleasing appearance to the pedestrian.

Compatible: Shore Rd, Ocean House Rd



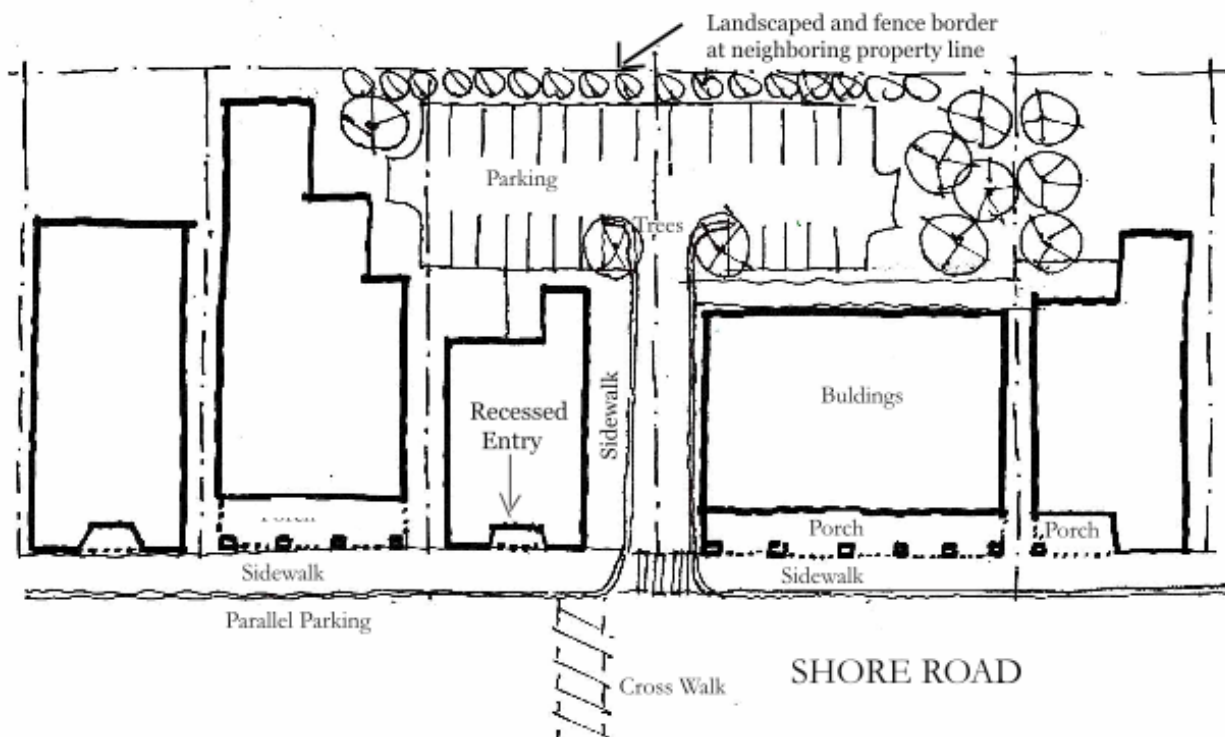
Note front
entries facing
street with
parking located
to side or rear
of lot and
further from
the street than
the building

Incompatible: Shore Rd, Ocean House Rd

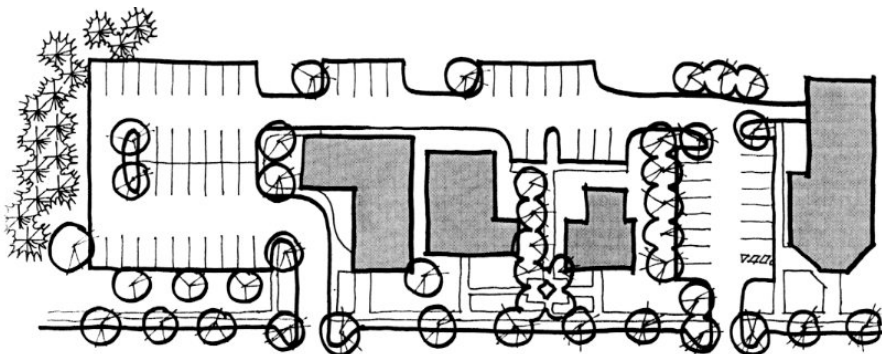


Note incompatible rear entry only, lack of walkway connecting building to sidewalk, and parking located in front setback.

Compatible: Shore Rd



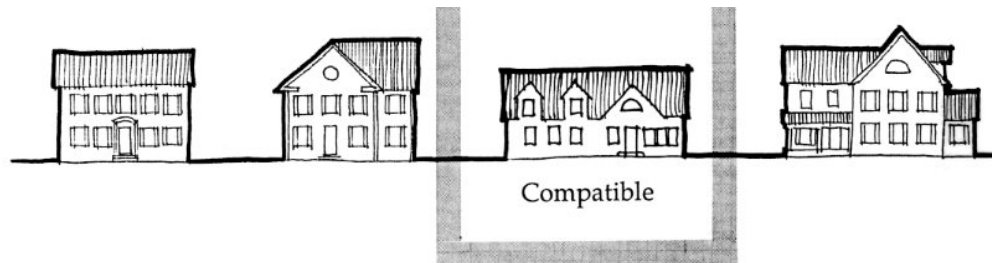
Compatible: Ocean House Rd



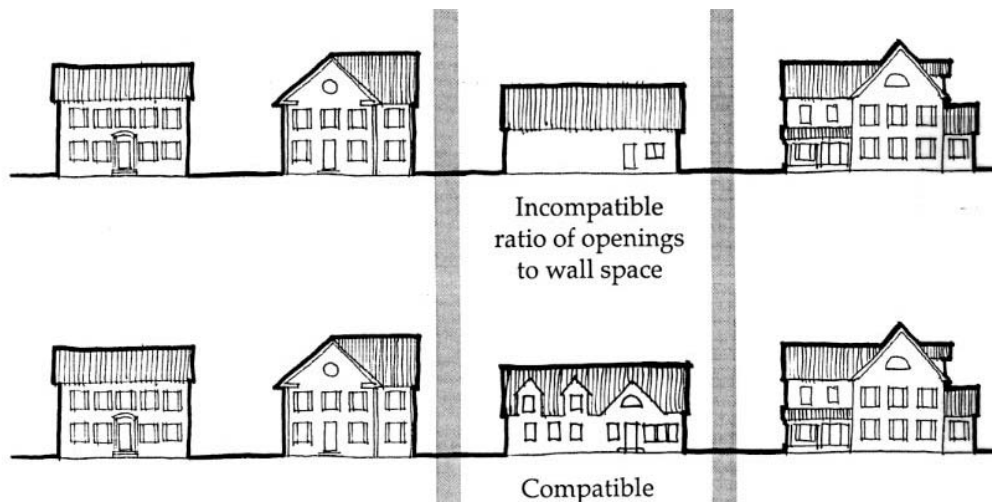
Shared parking and shared driveways are encouraged. Cross connection with rear parking is encouraged if walkway and building layout orients people to street side front entries.

e. Openings. The relationship between doors and windows to exterior wall space of a building creates a rhythm or pattern. The pattern of window or door openings of a structure shall be compatible with the rhythm of openings in nearby structures. Doors and windows shall be consistent with the style of the building. Development in existing structures shall maintain the original rhythm and size of openings. The first floor front facade shall be constructed with an equal proportion of openings to wall space.

Compatible: Shore Rd, Ocean House Rd



Incompatible: Shore Rd, Ocean House Rd



Compatible: Shore Rd



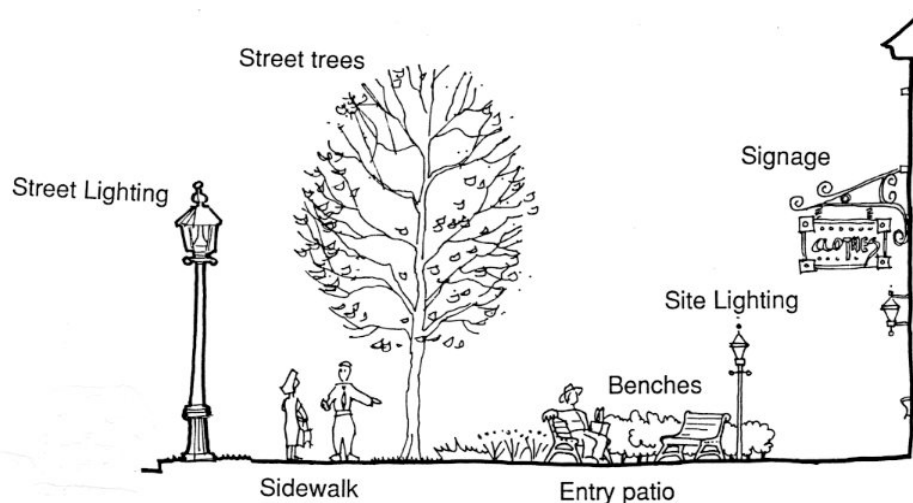
Rhythm of window and door openings maintained for each building and along the street line

f. Exterior Materials. Facade materials give a structure character. Exterior materials shall be compatible with nearby buildings and with the design of the structure. No structure addition shall consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. The use of wood shingles, wood clapboards, copper, and brick is permitted. The use of concrete block, sheet metal, vinyl, or aluminum siding is discouraged, except for the use of concrete clapboards or siding, such as hardiplank, that mirrors the appearance of natural materials.

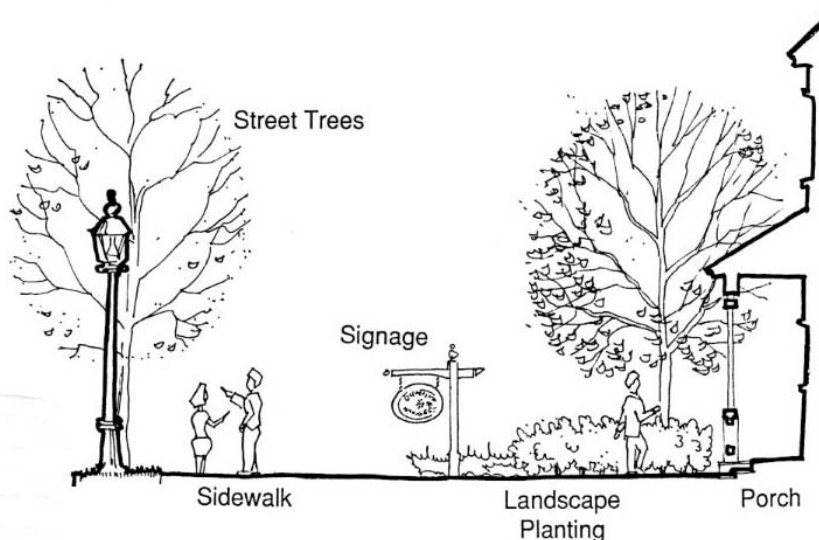
g. Landscaping and Site Development

- (1) Front setback. The land in the front yard setback is a transitional space between the public domain of the road right-of-way and the private structure and is a determining factor in the character and ambiance of a neighborhood business district. This area shall be designated and landscaped to be pedestrian-friendly in scale, access, lighting, and security. A sidewalk and other pedestrian pathways, such as to the building and to parking areas, shall be located between the road and the structure. The side of the structure facing the front yard setback shall be designed with a distinctive entrance for pedestrians. Multifamily dwellings shall be designed with the main entrance facing the front yard. The front setback shall be carefully landscaped with attention to details evident to pedestrians and shall include street trees. The development of front courtyard gardens is strongly encouraged. Multifamily dwellings shall include at least one (1) street tree per unit in the landscape plan.

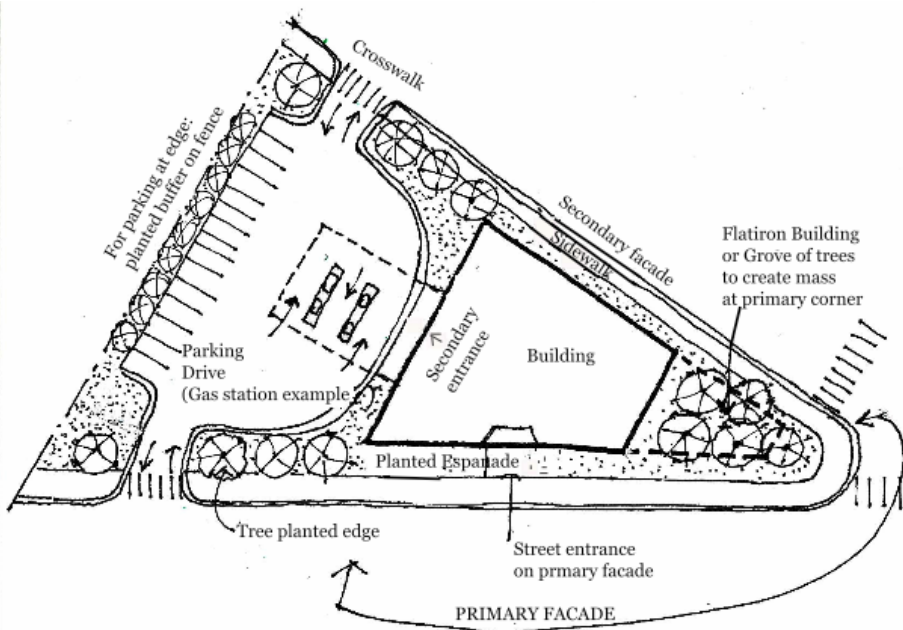
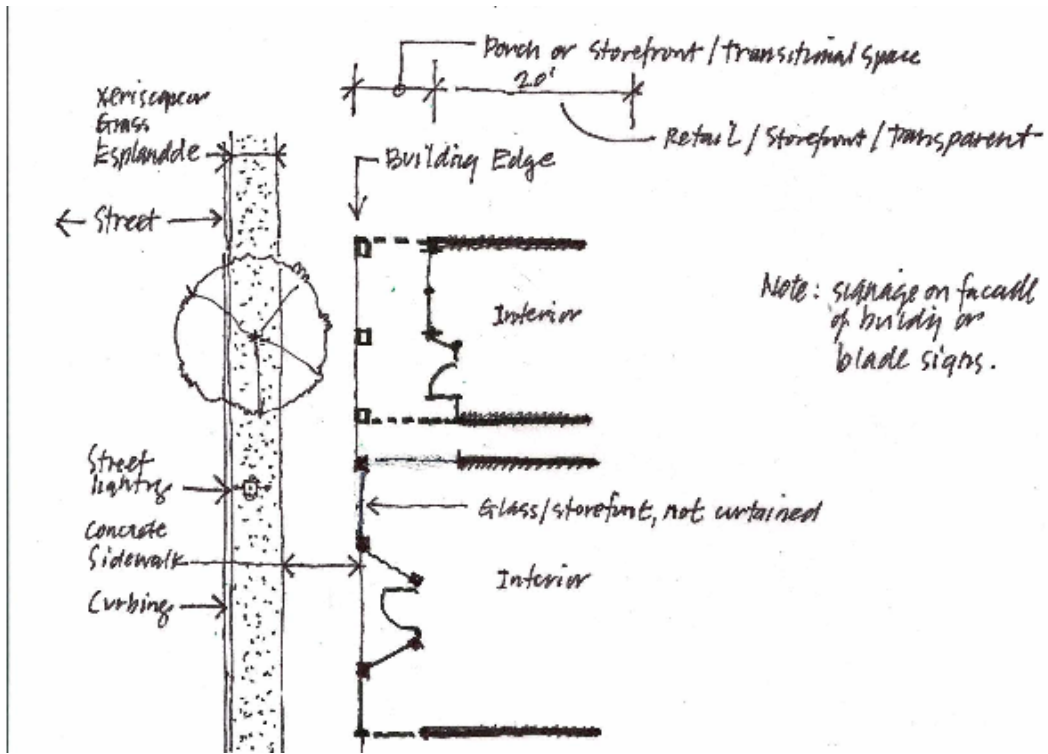
Shore Rd, Ocean House Rd Examples



Note progression from street to esplanade to sidewalk to front yard setback to building. The front setback should be designed as a pedestrian-oriented transition space into the building.

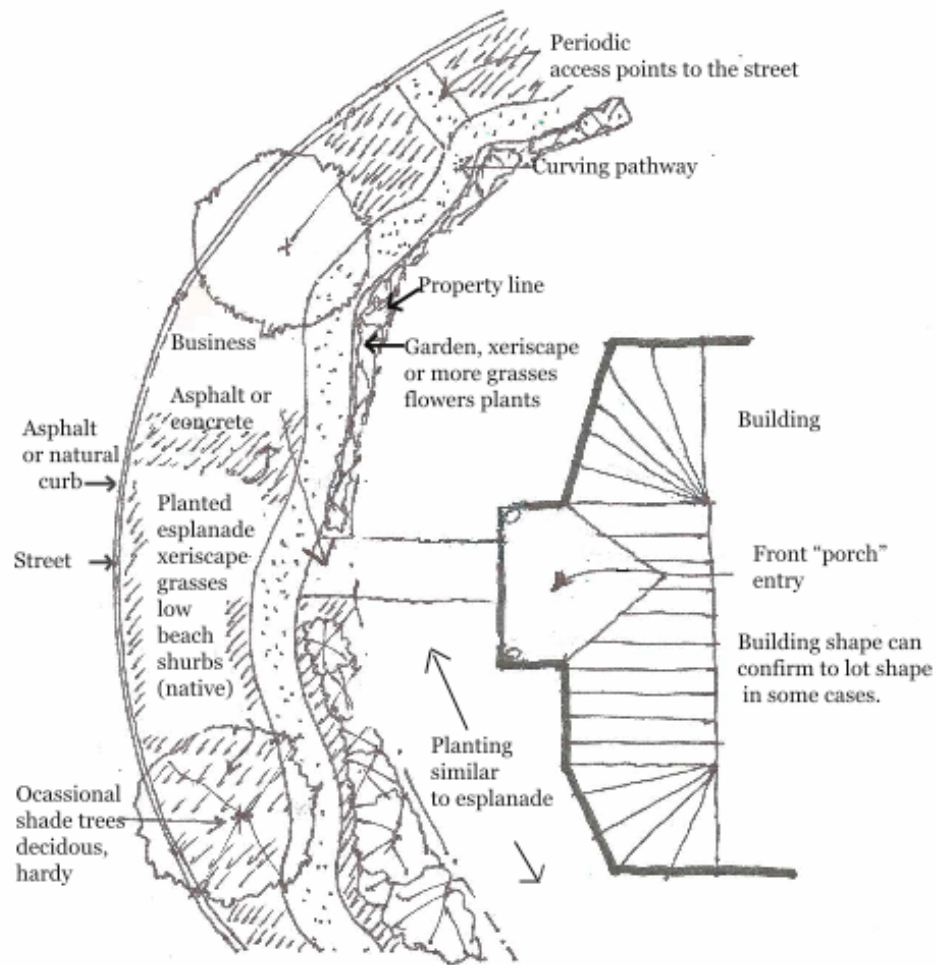


Shore Rd Examples



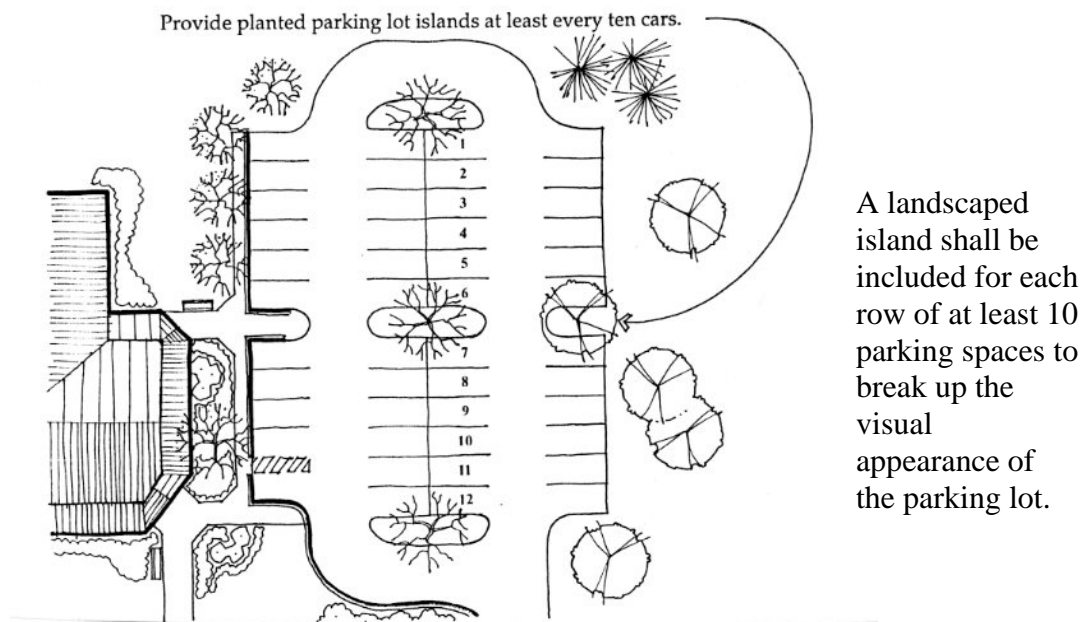
A flatiron building has the sides of the building parallel with the street frontage where the road intersects at a less than 90° angle.

Ocean House Rd Examples

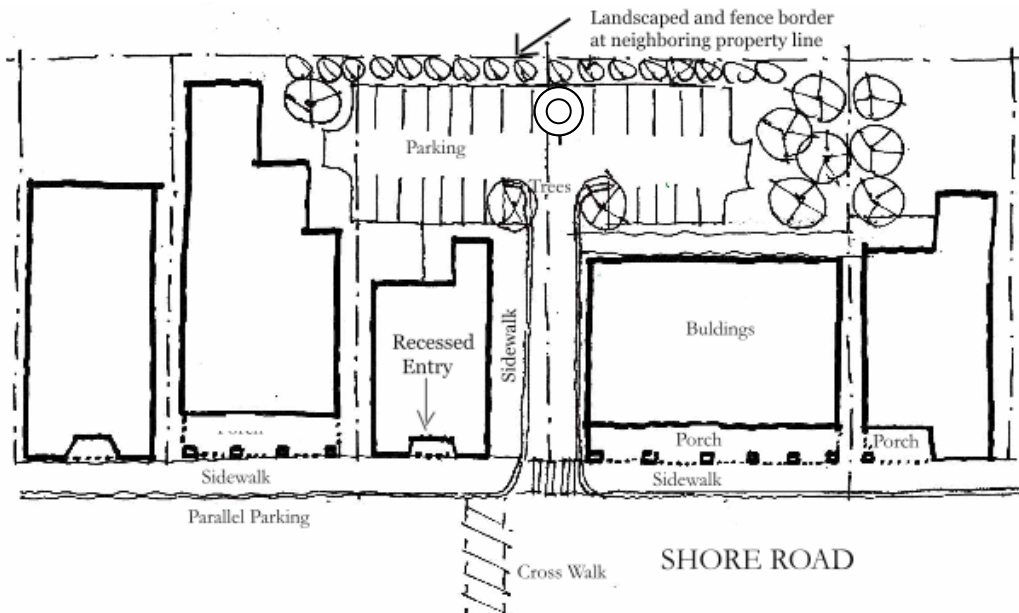


- (2) Parking lot. While adequate and convenient parking is necessary in the Business A District, an expanse of gravel or asphalt parking can appear barren and hostile for pedestrians. Landscaping around and within parking lots perceptually softens the hard surface of parking areas. Parking lots shall be designed and landscaped to be compatible with a neighborhood business district character. A minimum five (5) foot wide landscaped esplanade shall be required around parking lots. A landscaped area shall be required in the front yard setback between the road and the parking lot and shall include plantings of a size sufficient to obscure the view of parked cars and parking lots from the sidewalk and transitioning to a lesser height. At least one landscaped island shall be included for each row of at least ten (10) parking spaces and shall be located within the interior of the parking lot. The landscaped island(s) shall be of sufficient size to accommodate and be planted with at least one (1) road tree.

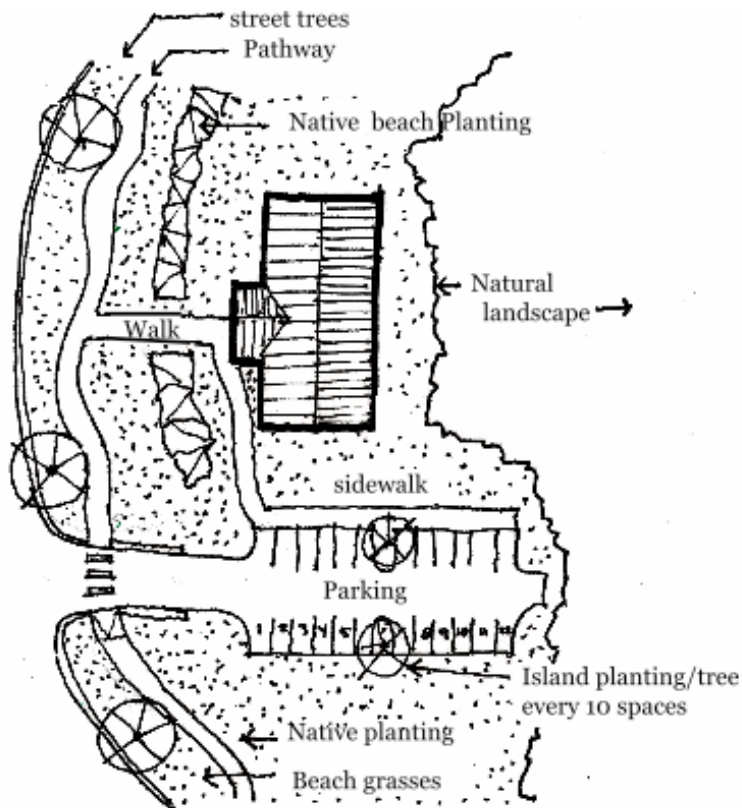
Shore Rd , Ocean House Road Example



Shore Rd Example



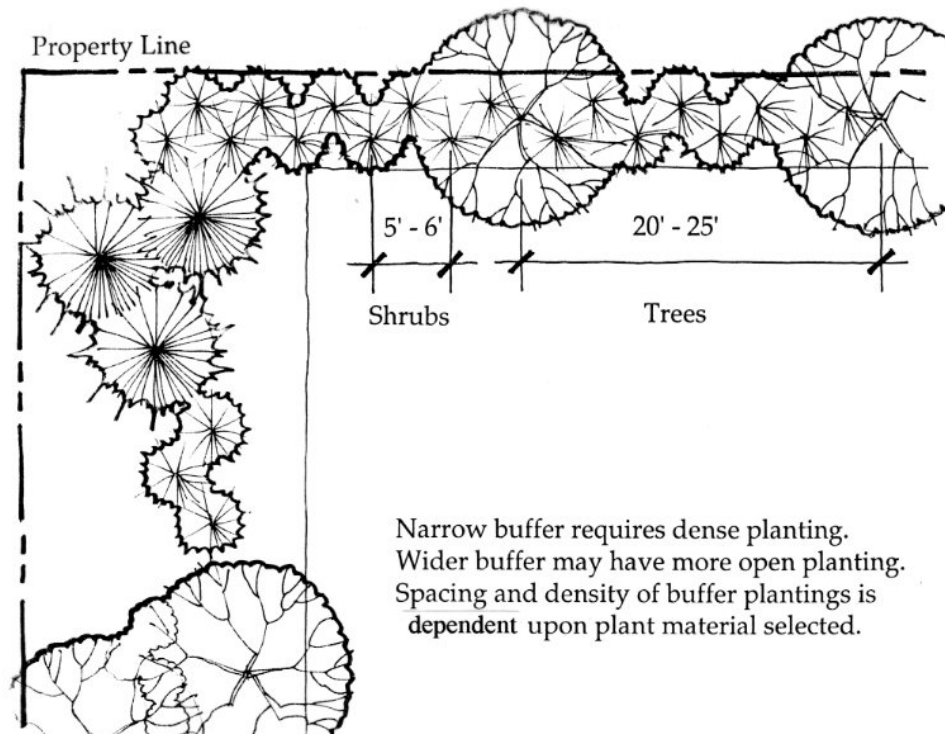
Ocean House Rd Example

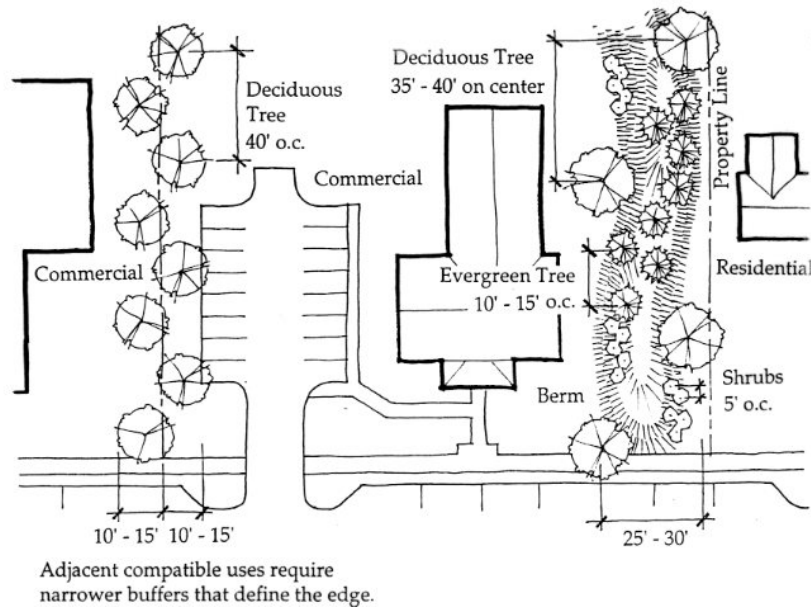


- (3) Buffering. Buffering serves to soften narrow yards, screen parking areas, and create a sense of enclosure by transforming a street into an outdoor room. Within the Business A District, landscaping between properties can mitigate conflicts between land uses, densities, and building styles and scale. Side and rear yard buffering defines the edge of a property and can also identify the edge of the neighborhood business district. Each lot shall provide a landscaped side and rear yard buffer where it abuts a residential district. The depth and density of the buffer shall be determined by the type of use proposed, its compatibility with adjacent uses and with the Business A District.

Non-compatible adjacent uses require wider buffers and wood fences in the Shore Rd district. In the Ocean House Rd district, non-compatible adjacent uses require wider buffers and earth berms. Earth berms should not be more than 2' high and planted with beach grasses and native plants. The use of wood chips shall be minimized to that which is needed to maintain the health of plants and shall not take the place of plantings, which shall be used to cover the surface of a berm.

Shore Rd, Ocean House Rd Example





F. Site Plan Review

The following uses and activities shall be subject to site plan review by the Planning Board, according to the terms of Article IX, Site Plan Review, prior to issuance of any building permit, plumbing permit, or other special permit:

- ~~1. Any use allowed in this District by virtue of being allowed in a Residence District on condition of site plan review~~
- ~~2. Nonresidential uses listed in Sec. 19-6-5.B.3~~
- ~~3. Nonresidential uses listed in Sec. 19-6-5.C.1~~
- ~~4. Any other use or activity listed in Sec. 19-9-2, Applicability, as requiring site plan review~~
1. Construction involving any permitted use other than farming and a single family dwelling.
2. Conversion of an existing building or structure or portion thereof from a less intensive category of use to a more intensive category of use according to the following scale of uses with Category 1 being the least intensive and Category 9 being the most intensive:
 - Use Category 1. Multifamily dwellings and bed and breakfasts
 - Use Category 2. Banking, professional, and business offices, and day care facilities
 - Use Category 3. Personal services and village retail shops
 - Use Category 4. Veterinarian offices and medical clinics
 - Use Category 5. Restaurants, including a delicatessen, ice cream parlor, and a sit down restaurant
 - Use Category 6. Gas station and repair garages

Use Category 7. Institutional uses, including but not limited to churches, governmental, and school uses

Use Category 8. Congregate housing

Use Category 9. Cottage industry manufacturing

3. Conversion of an existing building or structure or portion thereof within the same category or to a less intensive category of use on the above scale of use categories unless:

a. The current use category received site plan approval,

b. There will be no exterior alterations other than signage, and

c. No multifamily dwelling units, rooming house or metal working area will be created.

4. Any other use or activity listed in Sec. 19-9-2, Applicability, as requiring site plan review.

SEC. 19-6-9. RESOURCE PROTECTION DISTRICTS

(RP1-CW, RP1-CW Buffer Overlay, RP2-WP, and RP3-F)

A. Purpose

The wetlands and floodplains of the Town are fragile natural resources which provide wildlife habitat, pollution control, storage and passage of flood waters, aquifer recharge, erosion control, education, scientific study, recreation, and open space. Nationally, considerable wetland acreage has been lost or impaired by drainage, dredging, filling, excavating, building, pollution, and other activities inconsistent with the natural uses of such areas. Therefore, it is the policy of the Town to ensure that wetlands and floodplains are protected from detrimental impacts and that wetland and floodplain alteration activities do not threaten public safety, welfare or cause nuisances, or negatively alter natural wetland ecology. To protect these natural resources, four (4) Resource Protection Districts are designated based upon their natural resource value and vulnerability:

2. Resource Protection 1 - Critical Wetland Buffer Overlay District (RP1-CW Buffer Overlay)

Areas that require regulation due to their proximity to Resource Protection 1 - Critical Wetland Districts, and function to protect wetland values including but not limited to wildlife habitat, pollution abatement, and erosion control are designated Resource Protection 1 - Critical Wetland Buffer Overlay District (RP1-CW Buffer Overlay). The RP1-CW Buffer Overlay District is an overlay zone and is located adjacent to Resource Protection 1 - Critical Wetland Districts. The RP1-CW Buffer Overlay District shall extend upland from the wetland upland edge of any critical wetland as determined by the following criteria:

- a. a two hundred fifty (250) foot buffer will be required if the critical wetland meets one (1) of the following criteria:
 - (1) The wetland is rated as having moderate or high value for wildlife by the Maine Department of Inland Fisheries and Wildlife;
 - (2) The wetland is a marine and/or estuarine marsh; or
 - (3) The Resource Protection 1 - Critical Wetland District as defined is not well separated from adjacent areas by topography or other natural features.

b. Notwithstanding any provision of this section to the contrary, a one hundred (100) foot buffer will be required if the wetland area meets one (1) of the following criteria and the critical wetland is not rated as having moderate or high value for wildlife by the Maine Department of Inland Fisheries and Wildlife:

- (1) The Resource Protection 1 - Critical Wetland District is distinctly separated from the area of the proposed development by topography such that the development area, in its natural state, drains away from the wetland. An existing road or driveway shall not be considered a topographical divide if the road drains toward the wetland.
- (2) The Resource Protection 1 - Critical Wetland District is within two hundred fifty (250) feet of densely developed areas. For the purposes of this section, an area shall be considered densely developed if at least six (6) principal buildings are located within two hundred fifty (250) feet of the center of any proposed structure.
- (3) The Resource Protection 1 - Critical Wetland District is two (2) acres or less in size.
- (4) The Resource Protection 1 - Critical Wetland District is a coastal sand dune as measured from the point where sand and dune grasses are replaced by upland soils and vegetation.
- (5) The Resource Protection 1- Critical Wetland District is located in or adjacent to a property located in the BA District which is served by public water and public sewer.

c. The RP1-CW Buffer Overlay District may be reduced to one hundred (100) feet from the edge of the wetland to allow placement of a permanent or temporary tool shed where the footprint of the tool shed does not exceed eighty (80) square feet and the tool shed will be used for storage. Tool sheds allowed under this provision shall require a building permit.

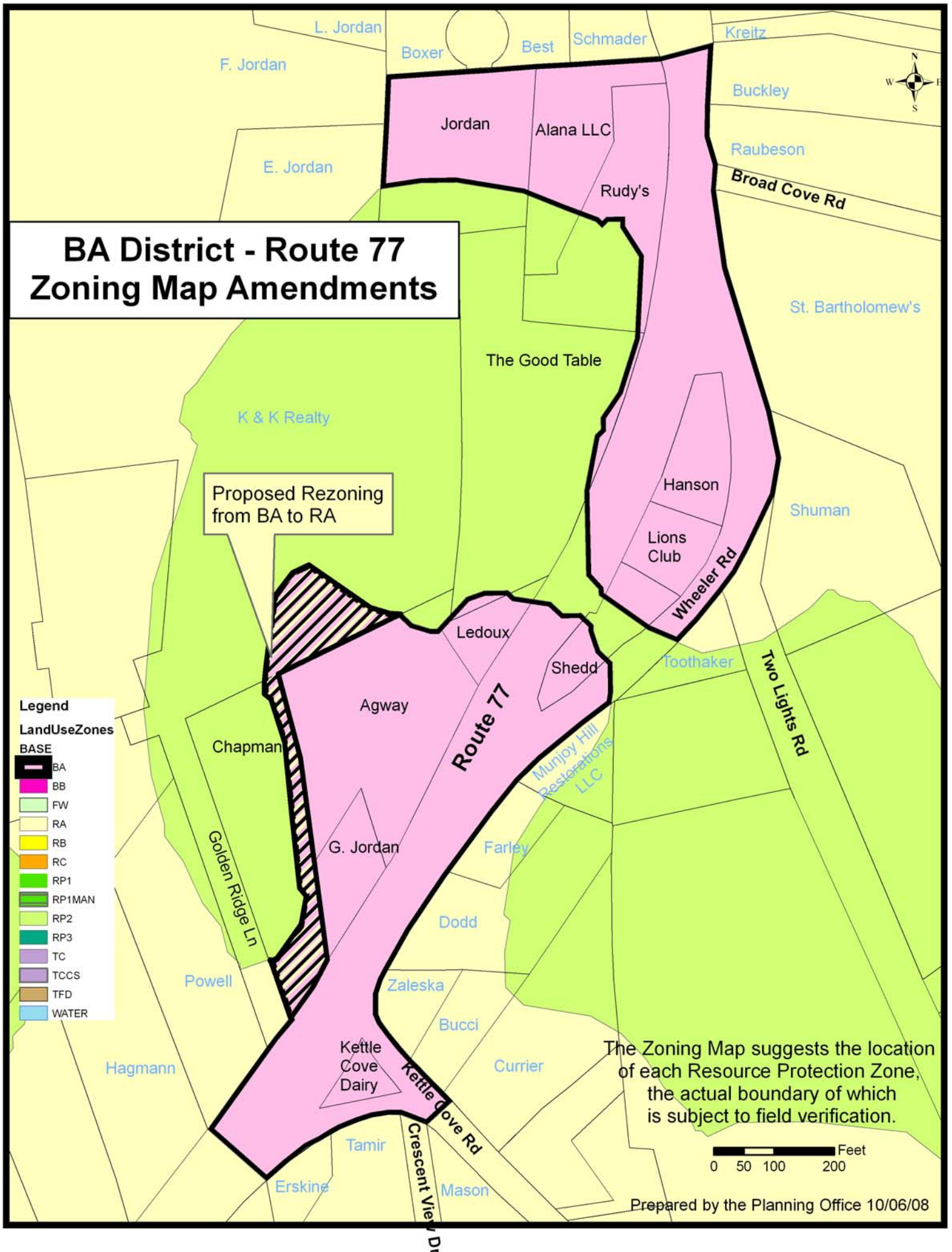
BA District - Route 77 Zoning Map Amendments

Legend

LandUseZones

BASE

- BA
- BB
- FW
- RA
- RB
- RC
- RP1
- RP1MAN
- RP2
- RP3
- TC
- TCCS
- TFD
- WATER



BA District- Shore Rd Zoning Map Amendment

