

Town of Bowdoinham
Land Use Ordinance

ARTICLE 5: LAND USE DISTRICTS

A) Establishment of Districts

- 1) For the purposes of this Ordinance, the Town of Bowdoinham is hereby divided into the following base land use districts:
 - a) Residential/Agricultural District
 - b) Village I District
 - c) Village II District
- 2) Overlay Districts. The Shoreland Overlay Districts, established in Article 6, are special purpose zoning districts in which additional regulations, beyond those set forth in the base districts apply. The regulations of the base districts shall remain in effect unless the regulations set forth in the overlay district are more stringent.

Commented [JH1]: Verify

B) Rules Governing Base District Boundaries

- 1) The location and boundaries of the land use districts are established as shown on the "Town of Bowdoinham Land Use Map," dated June 14, 2017, which is hereby made a part of this Ordinance. This map shall be on file in the office of the Town Clerk.
- 2) Unless otherwise set forth on the Town of Bowdoinham Land Use Map, district boundary lines are:
 - a) property lines;
 - b) the centerlines of roads, or such lines extended;
 - c) boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
 - d) the center lines of water courses or such lines extended; and
 - e) boundaries indicated as following or parallel to the centerlines of roads shall be construed to follow or be parallel to the centerline of that roadway, or
 - f) the Town boundary lines.
- 3) Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

C) Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Town of Bowdoinham
Land Use Ordinance

D) Residential/Agricultural District

1) Dimensional Requirements:

- a) For all lots which do not meet subsection b) below.
 - (i) Minimum Lot Size: 1 acre
 - (ii) Maximum Residential Density: 1 Dwelling Unit (DU)/acre¹
 - (iii) Minimum Road Frontage:² 150 ft.
 - (iv) Minimum Setbacks for Buildings:³
 - (A) Front lot line: 50 ft.
 - (B) Side lot line: 10 ft.
 - (C) Rear lot line: 10 ft.
- b) Lots which are within a subdivision (which is created after June 10, 2009).
 - (i) Minimum Lot Size: 20,000 sq. ft.
 - (ii) Maximum Residential Density: 1 DU/acre¹
 - (iii) Minimum Road Frontage: 150 ft.
 - (iv) Minimum Setbacks for Buildings from roads outside the subdivision follow standard minimum setbacks (Section D.1.a.iv). Minimum setbacks for buildings on roads within the subdivision:
 - (A) Front lot line: 20 ft.
 - (B) Side lot line: 10 ft.
 - (C) Rear lot line: 10 ft.
 - (v) Open Space Requirement: 25% of Net Residential Area⁴
- c) Structures shall not cover more than 20% of any lot.⁵

Commented [JH2]: Should this be 43560 sq. ft. for consistency across sections? I'm ok leaving it like this knowing that it does not match the others

E) Village I District

1) Dimensional Requirements:

- a) Minimum Lot Size: 20,000 sq. ft.
- b) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System: 10,000 sq. ft.⁶
- c) Maximum Residential Density: 1 DU/ 20,000 sq. ft.¹
- d) Minimum Road Frontage: 75 ft.
- e) Minimum Setbacks for Buildings
 - (i) Front lot line: 20 ft.
 - (ii) Side lot line: 10 ft.

Town of Bowdoinham
Land Use Ordinance

- (iii) Rear lot line: 10 ft.
- f) Maximum Building Height: 35 ft.
- g) Structures shall not cover more than 30% of any lot. Lots legally non-conforming due to lot size may have up to 50% structure coverage.

F) Village II District

- 1) Dimensional Requirements:
 - a) Minimum Lot Size: 30,000 sq. ft.
 - b) Minimum Lot Size for Subdivisions with Community Subsurface Wastewater System: 10,000 sq. ft.⁶
 - c) Maximum Residential Density: 1 DU/ 20,000 sq. ft.¹
 - d) Minimum Road Frontage: 100 ft.
 - e) Minimum Setbacks for Buildings:
 - (i) Front lot line: 30 ft.
 - (ii) Side lot line: 10 ft.
 - (iii) Rear lot line: 10 ft.
 - f) Maximum Building Height: 35 ft.
 - g) Structures shall not cover more than 30% of any lot. Lots legally non-conforming due to lot size may have up to 50% structure coverage.

FOOTNOTES FOR SECTIONS D-F ABOVE

- ¹ One Accessory Dwelling Unit that meets the standards of Article 4, Section B shall be exempt from any density requirements or lot area requirements. (Note: written in reference to DECD proposed rule 19-100; Chapter 5; Section 4.B.3.a)
- ² The Minimum Road Frontage requirement may be waived by the Code Enforcement Officer if the property meets the Back Lot Performance Standard in Article 4, Section C.
- ³ The setback shall be the minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and decks. Except that, ramps needed for disability access into a principal dwelling shall be exempt from the minimum setbacks.
- ⁴ If a new lot is created to meet open space requirements and is transferred to a governmental body, or a nonprofit corporation or charitable trust with the purposes enumerated in 33 M.R.S.A. § 476(2) (such as, but not limited to, protecting property for recreational, agricultural, forest, and open space use) it does not count toward the number of lots in a subdivision unless the intent of the transferor is to avoid the objectives of this Ordinance.
- ⁵ Structures may cover up to 30% of lots that are legally non-conforming due to lot size.
- ⁶ A subdivision shall not exceed the maximum residential density for the district.

Commented [JH3]: Verify

Commented [JH4]: Verify

Town of Bowdoinham
Land Use Ordinance

TABLE 5.1: LAND USES PERMITTED IN ZONING DISTRICTS

PS

Use-specific performance standards exist. See **Article 10 Section E**.

DISTRICT

R/A: Residential/Agricultural District

VDI: Village I District

VDII: Village II District

REVIEWING AUTHORITY

A: Allowed without a permit

CEO: Permitted with permit from Code Enforcement Officer

LPI: Local Plumbing Inspector

NP: Not permitted

P: Permit Required

PB: Permitted under Article 9-Subdivision from Planning Board

RC: Permitted with permit from Road Commissioner

SB^A: Select Board Annual License or **SB^M:** Select Board 5-year license

SPR: Site Plan Review approval from Planning Board

See Footnotes at the end of the Table. All uses are subject to the general performance standards of Article 4. Land uses also subject to the use-specific standards of **Article 10** are denoted by a 'Y' in the PS column.

Commented [JH5]: Table was updated to add in a new column to indicate whether or not use-specific performance standards exist.

Commented [JH6]: Article 10 Section E includes the following items that are not presented here:

1. Asphalt/Concrete Plant/Fabrication
2. Daycare, Home
3. Food Processing Facility

Commented [JH7]: I removed the SB abbreviation because it is always followed by the superscript.

Commented [JH8]: Verify

LAND USES	PS	DISTRICT		
		R/A	VDI	VDII
Agricultural & Resource Uses-				
Access onto Town Road		RC	RC	RC
Agriculture		A	A	A
Agriculture Products Processing		SPR	SPR	SPR
Boarding and Riding Stables (Private)		CEO ¹	CEO ¹	CEO ¹
Cannabis Cultivation Facility		SPR & SB ^A	SPR & SB ^A	SPR & SB ^A
Extractive Industry		SPR	SPR	SPR
Earthmoving (Less than 100 Cubic Yards)		A	A	A
Earthmoving (100 Cubic Yards or Greater)		CEO ³	CEO ³	CEO ³

Town of Bowdoinham
Land Use Ordinance

<u>LAND USES</u>	<u>PS</u>	<u>DISTRICT</u>		
		<u>R/A</u>	<u>VDI</u>	<u>VDII</u>
Farm Stand	Y	SPR ⁶	SPR ⁶	SPR ⁶
Gravel Pit	Y	SPR	SPR	SPR
Greenhouse (Under 10,000 Sf)		CEO ¹	CEO ¹	CEO ¹
Greenhouse (10,000 sf or Greater)		SPR	SPR	SPR
Hoop House		A	A	A
Indoor Growing Facility		SPR ⁵	SPR ⁵	SPR ⁵
Non-Permanent Structure		A	A	A
Non-Roadside or Cross-Country Distribution Lines (Greater than 34.5kv)	Y	SPR	SPR	SPR
Solar Energy System – Large	Y	SPR	SPR	SPR
Solar Energy System – Small	Y	A	A	A
Subsurface Wastewater Disposal System		LPI	LPI	LPI
Timber Harvesting		A	A	A
Windmill		CEO ³	CEO ³	CEO ³
Agricultural or Resource Use Not Specified Above		CEO ³	CEO ³	CEO ³
Accessory Structures, Uses or Services (For Items Above)		P ³	P ³	P ³
<u>Residential Uses-</u>				
Condominiums		PB	PB	PB
Single-Family Dwelling		CEO ¹	CEO ¹	CEO ¹
Two-Family Dwelling		CEO ¹	CEO ¹	CEO ¹
Accessory Dwelling Unit		CEO & LPI ²	CEO & LPI ²	CEO & LPI ²
Individual Campsites		A	A	A
Multi-Family Dwelling (3 or More)		PB and CEO ¹	PB and CEO ¹	PB and CEO ¹
Manufactured Housing Park	Y	PB	PB	PB
Subdivision		PB	PB	PB

Commented [JH9]: I think these superscripts refer to footnote 4?

Commented [JH10]: This one is strange because these are allowed without a permit, but Article 10 suggests that all solar energy systems have performance standards that must be met. We just need to update this table or update Article 10 for clarity.

Commented [JH11R10]: In talking with Jason, he said that the A is accurate here and that SPR does not apply to small systems - I'll clarify that in Article 10.

Town of Bowdoinham
Land Use Ordinance

<u>LAND USES</u>	<u>PS</u>	<u>DISTRICT</u>		
		<u>R/A</u>	<u>VDI</u>	<u>VDII</u>
Home Occupation		A	A	A
Non-Permanent Structure		A	A	A
Temporary Building		A	A	A
Residential Use Not Specified Above		CEO	CEO	CEO
The Construction, Alteration, Relocation, Demolition or Replacement of any Building or Part Thereof.		CEO ¹	CEO ¹	CEO ¹
Accessory Structures, Uses or Services (For Items Above)		P ⁴	P ⁴	P ⁴
<u>Industrial Uses-</u>				
Automobile Graveyard	Y	NP	NP	SPR & SB ^A
Automobile Recycling Business	Y	NP	NP	SPR & SB ^M
Airport (Public Use)		SPR	NP	SPR
Air Strip (Private Use)		SPR ⁶	NP	SPR ⁶
Bulk Oil & Fuel Storage (Over 500 Gallons, Except For On-Site Usage)		NP	SPR	SPR
Distribution Center	Y	SPR	SPR	SPR
Junkyard	Y	NP	NP	SPR & SB
Landfill		SPR	SPR	SPR
Light Manufacturing		SPR	SPR	SPR
Lumber Yard		SPR	SPR	SPR
Manufacturing		SPR	SPR	SPR
Pulp Mill		NP	NP	SPR
Sawmill		SPR	SPR	SPR
Solid Waste Transfer Station		SPR	SPR	SPR
Warehouse	Y	SPR	SPR	SPR
Waste and Nuisance Yard		SRP ⁶	SPR ⁶	SPR ⁶
Wood Processing Facility	Y	SPR	SPR	SPR

Commented [JH12]: Is this an annual permit or a 5-year permit?

Town of Bowdoinham
Land Use Ordinance

<u>LAND USES</u>	<u>PS</u>	<u>DISTRICT</u>		
		<u>R/A</u>	<u>VDI</u>	<u>VDII</u>
Industrial Use Not Specified Above		SPR	SPR	SPR
The Construction, Alteration, Relocation, Demolition or Replacement of any Building or Part Thereof.		CEO ¹	CEO ¹	CEO ¹
Accessory Structures, Uses or Services (For Items Above)		SPR	SPR	SPR
<u>Institutional Uses-</u>				
Cemetery		SPR	SPR	SPR
Church		SPR	SPR	SPR
Civic Convention Center		SPR	SPR	SPR
Community Center		SPR	SPR	SPR
Governmental Facilities		SPR	SPR	SPR
Hospital		SPR	SPR	SPR
Medical Clinic		SPR	SPR	SPR
Museum		SPR	SPR	SPR
Outdoor Recreation (Parks, Playgrounds, Etc.)		SPR	SPR	SPR
Public or Private School		SPR	SPR	SPR
Public Facility Utility		SPR	SPR	SPR
Institutional Use Not Specified Above		SPR	SPR	SPR
The Construction, Alteration, Relocation, Demolition or Replacement of any Building or Part Thereof.		CEO ¹	CEO ¹	CEO ¹
Accessory Structures, Uses or Services (For Items Above)		SPR	SPR	SPR
<u>Commercial Uses-</u>				
Adult Businesses		SPR	SPR	SPR
Amusement Facility		SPR	SPR	SPR

Town of Bowdoinham
Land Use Ordinance

<u>LAND USES</u>	<u>PS</u>	<u>DISTRICT</u>		
		<u>R/A</u>	<u>VDI</u>	<u>VDII</u>
Art Gallery/Craft Shop/Gift Shop		SPR	SPR	SPR
Automobile Repair Garage	Y	SPR	SPR	SPR
Automobile Sales Business		SPR	SPR	SPR
Automobile Service Station	Y	SPR	SPR	SPR
Bar		SPR	SPR	SPR
Bed & Breakfast	Y	SPR	SPR	SPR
Boarding & Lodging Facility	Y	SPR	SPR	SPR
Boarding and Riding Stables (Public)		SPR	SPR	SPR
Boat Building/Repair		SPR	SPR	SPR
Campground	Y	SPR	SPR	SPR
Cannabis Establishment	Y	SPR & SB ^A	SPR & SB ^A	SPR & SB ^A
Commercial Complex	Y	SPR	SPR	SPR
Commercial Kitchen		SPR ⁵	SPR ⁵	SPR ⁵
Communication Tower	Y	SPR	SPR	SPR
Construction Business		SPR	SPR	SPR
Convenience Store		SPR	SPR	SPR
Daycare Center	Y	SPR	SPR	SPR
Dry Cleaning		NP	SPR	SPR
Financial Institution	Y	SPR	SPR	SPR
Funeral Home		SPR	SPR	SPR
Grocery Store		SPR	SPR	SPR
Gym / Fitness Club		SPR	SPR	SPR
Health Services		SPR	SPR	SPR
Home-Based Business		A ⁴	A ⁴	A ⁴
Hotel, Motel	Y	SPR	SPR	SPR
Kennel- (Breeding/Boarding Facility)	Y	SPR	SPR	SPR
Laundry, (See Dry Cleaning)		NP	SPR	SPR
Metal Plating		NP	SPR	SPR
Nursing Home, Care Facility		SPR	SPR	SPR

Commented [JH13]: I think all these superscripts should be 4's

Commented [JH14]: I think these superscripts should all be 5's

Town of Bowdoinham
Land Use Ordinance

<u>LAND USES</u>	<u>PS</u>	<u>DISTRICT</u>		
		<u>R/A</u>	<u>VDI</u>	<u>VDII</u>
Outdoor Recreation (Golf Course, Etc.)		SPR	SPR	SPR
Professional Offices, Office Building		SPR	SPR	SPR
Publishing, Printing		SPR	SPR	SPR
Redemption Center		SPR	SPR	SPR
Restaurant	Y	SPR	SPR	SPR
Repair Service (Other than Auto & Boat)		SPR	SPR	SPR
Retail Business	Y	SPR	SPR	SPR
Salon / Day Spa		SPR	SPR	SPR
Self-Storage Facility	Y	SPR	SPR	SPR
Service Business		SPR	SPR	SPR
Telecommunication Tower	Y	SPR	SPR	SPR
Theater		SPR	SPR	SPR
Veterinary Clinic		SPR	SPR	SPR
Wholesale Business		SPR	SPR	SPR
Windmill Farm		SPR	SPR	SPR
Commercial Use Not Specified Above		SPR	SPR	SPR
The Construction, Alteration, Relocation, Demolition or Replacement of Any Building or Part Thereof.		CEO ¹	CEO ¹	CEO ¹
Accessory Structures, Uses or Services (For Items Above)		SPR	SPR	SPR

FOOTNOTES FOR TABLE 5.1

- ¹ A Building Permit from the Code Enforcement Officer is required.
- ² Must show proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S.A. § 4221. Must show proof of access potable water via connection to a public water system or a private well. (Note: written in reference to DECD proposed rule 19-100; Chapter 5; Section 4.B.5.b-d)
- ³ A Land Use Permit from the Code Enforcement Officer is required.
- ⁴ A permit for an accessory structure or use shall be given by the same permitting authority who issued the permit for the original use/structure, if a permit was required.

Town of Bowdoinham
Land Use Ordinance

- ⁵ A Home-based Business is allowed if it meets the Performance Standard in Article 4, Section F. If the Performance Standard in Article 4, Section F is not met, then a Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer. All Home-Based Businesses must register their business name with the Town Clerk.
- ⁶ A Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer.

Commented [JH15]: Verify