

**Effective Date of March 24, 2008**

*Note. All text below is new other than Sections 203 where new text is underlined and deleted text is struck through.*

**200. General Provisions**

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**201. Definitions.**

Asphalt plant. An industrial facility used for the production of asphalt, or asphalt products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the sale of finished asphalt products to the general public.

Commercial Service Business. An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers and not to the general public; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This use may involve the repair of such merchandise. This is not considered a general commercial use.

Junkyard. A facility that meets the definition set forth in 30-A M.R.S.A. Sec. 3752.

Light Manufacturing. Manufacturing uses/activity involving the manufacturing, fabricating, packaging, processing or assembly of finished products from previously prepared material, such as bottling, printing and publishing, machine shops, precision tools and instruments, assembly of electrical or electronic components, tool and die shops. In no event shall light manufacturing include the processing of raw materials other than as permitted in the Light Manufacturing District (Sec. 311).

Research and development. A laboratory or similar facility for investigation into the natural, physical or social sciences, which may include engineering and product development. Such use may not involve the mass manufacturing, fabrication, processing or sale of products.

Utilities. All facilities, public or private, related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, heat, steam, power, information, telecommunications and telephone cable, and includes facilities for the generation of electricity

Vocational Educational Facility. A public or private facility providing educational instruction in skilled trades such as mechanics or carpentry.

Warehousing. A use engaged in the storage and transportation of products manufactured elsewhere.

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## 203. Nonconforming Use Provisions

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### 203.5 **Expansion of a Nonconforming Use Within a Building Without a Variance.**

A nonconforming use may be extended, altered or enlarged within a building without a variance under the following conditions:

- A. The building or structure must conform to the performance standards of the zoning district in which it is located.
- B. Any increase in building footprint must not result in coverage that exceeds either the maximum footprint factor or the maximum gross density factor.
- C. No part of the expansion of the building or structure shall encroach, extend or project into any yard space distance required by this ordinance, except where noted in this ordinance.
- D. The expansion or creation of an accessory use to a nonconforming residential building or structure shall be covered by the requirements of this section.

### 203.6 **Expansion outside of a building ~~with a Variance~~.** Except as otherwise provided in Section 203.5, a nonconforming use may not be altered, extended, or enlarged in any manner or for any purpose. ~~except as a variance in accordance with Section 704. In addition to the general requirements for granting a variance outlined in 704, the Zoning Board of Appeals must also find that:~~

- ~~A. All other physical alternatives that could be used to avoid requiring a variance have been exhausted.~~
- ~~B. The extension, alteration or enlargement is the least amount required to achieve the purpose of the variance request.~~

Where the nonconforming use is an extractive industry, it shall be considered a prohibited extension or enlargement of the use to do any of the following:

- A. Increase the amount of materials lawfully extracted from the site on a monthly basis. This increase shall be determined based upon an average of the amount of materials lawfully extracted on a monthly basis during the operating months of the extractive industry over the immediate prior (5) years.
- B. Move lawfully existing processing operations to another location on the property.

- C. Increase the amount of truck traffic generated on a daily basis. The increase shall be determined based upon an average of the number of truck trips generated on a daily basis during the operating months of the extractive industry over the immediate prior five (5) years.
- D. Establish any type of extractive industry use on adjacent property that was not part of the parcel on which excavation occurred on the date of the adoption of the ordinance, ordinance amendment or map amendment that made the extractive industry a nonconforming use.
- E. Relocate to another location on the site extraction activities in lawful existence at the time of the adoption of the ordinance, ordinance amendment or map amendment that made the use nonconforming unless the operator of the extractive industry demonstrates to the Code Enforcement Officer the following:
  - 1. The area proposed for extraction activities was clearly intended to be excavated before the adoption of the ordinance, ordinance amendment or map amendment that made the use nonconforming, as measured by objective manifestations and not by subjective intent; and
  - 2. The relocated operations will not have a substantially different and adverse impact on the adjacent neighborhood, including but not limited to traffic generation, dust, noise and vibrations.

For purposes of this section evidence of objective manifestations of intent to excavate an area may include, but is not limited to, Planning Board approval of a plan for an extractive industry for the site, including the area where the relocation is proposed, regardless of whether extraction has commenced in that area before the adoption of the ordinance, ordinance amendment or map amendment that made the extractive industry a nonconforming use.

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### **311 Light Manufacturing District.**

This district is located south of the Stroudwater River, north of the electric transmission power line easement, and between Saco Street and Spring Street. Performance standards for uses in this district are designed to maintain compatibility between differing uses. All uses and activities must be conducted within the principal building. Such uses are capable of operating in a manner that controls the external effects of the manufacturing process, such as sound, odors, vibrations, emissions, dust, glare, or other nuisance characteristics, through prevention or mitigation devices, and of conducting operations, within the confines of buildings.

**311.1 Permitted Uses.** The following uses are permitted in the Light Manufacturing District as a matter of right, and other similar light manufacturing uses may be included in this district by interpretation of the Code Enforcement Officer or his/her designee:

- 1) Low impact light manufacturing uses, including, but not limited to, bakeries, breweries, bottling, printing and publishing, pharmaceutical, machine shops, musical instruments, media studio class 1 and 2, precision instruments, watchmakers, toys and sporting goods, wood products, jewelry, assembly of electrical components, tool and die shops and the packaging of food.
- 2) Accessory Use. Accessory uses shall be customarily incidental and subordinate to a permitted primary use within this subsection. Accessory uses shall be under the same ownership or control as the permitted primary use. No accessory use shall be established until the primary permitted use is established and operating. If the primary use ceases operations for 12 months then the accessory retail use shall cease operations.
  - (a) Limited Retail Uses. Retail may be allowed as an accessory use if the Code Enforcement Officer determines that the following conditions are met:
    - (i) The retail use would not exceed 15% of the gross floor area of any building. Any storage directly associated with the retail use shall be included in this allowable area.
    - (ii) The proposed retail use would be located within the same building as the allowed primary use to which it is accessory.
- 3) Business Office
- 4) Commercial Service Business
- 5) Municipal Facility
- 6) Neighborhood Grocery
- 7) Private Indoor Recreation Facility
- 8) Vocational Educational Facility
- 9) Research and Development
- 10) Commercial kitchens or other food preparation provided that the food is not prepared for service on the premises other than as an accessory use.

**311.2 Special Exceptions.** The following uses are permitted in the Light Manufacturing District as a special exception under Section 204:

- (a) Child Care Center
- (b) Church
- (c) Utilities

**311.3 Prohibited Uses.** Those uses that are prohibited shall include, but are not limited to, the following:

- (a) Junk yards
- (b) Retail trade and restaurants not accessory to a permitted use
- (c) Mining and drilling operations

- (d) Extraction and processing of raw materials
- (e) Asphalt plants
- (f) Refining of petroleum or its products, including tar distillation
- (g) Commercial petroleum storage yards
- (h) Warehousing

**311.3 Performance Standards.** The following performance standards apply in the Light Manufacturing District:

- A. Minimum Lot Size: 20,000 S.F.
- B. Dimension Requirements:
  - 1. Minimum Lot Width: 200'
  - 2. Yard Depths:
    - A. Front 40'
    - B. Rear 30'
    - C. Side 30'
  - 3. Maximum Height: 75' and up to 5-stories. Maximum height shall include mechanical equipment and architectural detail.
- C. Maximum Footprint Factor: 50%
- D. Maximum Gross Density Factor: 80%
- E. Landscape Factor: 20%
- F. Storage. Outdoor storage must be screened from view of public ways.
- G. Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular, frequent, or other sound typically produced by the use, shall not exceed the following:
  - 1. 70 (70) dBa beyond the walls of the building between the hours of 7:00 am and 10:00 pm.
  - 2. 60 (60) dBa beyond the walls of the building between the hours of 10:00 pm and 7:00 am.
  - 3. Exemptions:
    - A. Noises created by construction and maintenance activities between 7:00 am and 10:00 pm are exempt from the maximum permissible sound levels set forth in this section.
    - B. The following uses and activities shall also be exempt from the requirements of this section:
      - i. The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.
      - ii. Traffic noise on public roads or noise created by airplanes and railroads.

- iii. Noise created by refuse and solid waste collection, provided that the activity is conducted between 5:00 am and 10:00 pm
- iv. Emergency construction or repair work by utilities at any hour.

- H. Odors. Odors generated by the use must not leave the building.
- I. Hazardous Matter: The emission of hazardous matter must be so controlled that no amount generated by the use is permitted beyond the building. Storage of hazardous matter is prohibited, except that used exclusively for ongoing production purposes.
- J. Vibrations: Vibrations inherently and recurrently generated shall be imperceptible with and without instruments beyond the required building setback lines.
- K. Glare: All outdoor lighting must be of the full cut off luminaire variety and the light source must not be visible at the lot line.