

ARTICLE V, DISTRICT REGULATIONS

DIVISION 24. Route 3 Commercial District (Division 24, Route 3 Commercial District repealed by City Council on --- insert date of Council action ---. The standards for the former Route 3 Commercial District are now included in Division 16, Northwesterly of Bypass and Outside Rural Districts.)

Sec. 102-767. Permitted uses requiring Code Enforcement Officer (CEO) review.

The City Code Enforcement Officer shall review and make decisions regarding applications for a use permit for the following types of uses in the Route 3 Commercial District:

- (1) Residential, single family dwelling. Manufactured housing units are prohibited.
- (2) Residential, two family dwelling. Manufactured housing units are prohibited.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are prohibited.
- (4) Home occupations (expanded definition).
- (5) Craft fairs on no more than 10 days in any calendar year.
- (6) Essential services.
- (7) Municipal uses deemed necessary by the City Council, subject to the Council conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.
- (8) Public parks.
- (9) Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- (10) Accessory uses for principal uses or which the CEO can issue a permit.
- (11) Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year
- (12) Accessory structures to uses and structures for which the CEO can issue a permit.

Sec. 102-768. Permitted uses requiring Planning Board review.

[Ord. of 1-29-2008(1); Ord. of 10-16-2007]

The City Planning Board shall review and make decisions regarding applications for the following types of uses in the Route 3 Commercial District:

- (1) In Areas 1, 2 and 3 of the Route 3 Commercial District; reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District, general merchandise, clothing, building supply or grocery retail uses are permitted, provided that no single retail use and no structure in which a retail use or uses are located is greater than 75,000 square feet in size. (Note: Also reference 102-768-A for exceptions to this provision).
- (1.25) In Area 4 of the Route 3 Commercial District, the area located westerly of Crocker Road, reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District, a general merchandise, clothing, building supply or grocery retail use that is established on or after April 7, 2020 shall be located in a principal structure that is a maximum of 6,000 square feet in size. A use also may have an accessory structure to the

~~principal structure that is a maximum of 2,000 square feet in size. There shall be a maximum of one structure/use on a lot based on the minimum lot size for a nonresidential use. Any such use shall comply with the Supplemental Performance Standards identified in Sec 102-774. Notwithstanding the above size limitations, the retail use (Perry's Furniture, that operated on Map 5, Lot 30, prior to April 7, 2020, may continue and may expand up to 100% of the total amount of gross floor area of all structures in which a retail use operated as of April 7, 2020. Also, the existing retail use located on Map 5, Lot 30 is not subject to the Sec 102-773 Supplemental Performance Standards.~~

- ~~(1.5) Subsection deleted on April 7, 2020.~~
- ~~(2) Service businesses.~~
- ~~(3) Movie theaters and performing arts centers.~~
- ~~(4) In Areas 1, 2, and 3 of the Route 3 Commercial District, reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District, shopping centers, including mixed-use development (service, general merchandise clothing and grocery retail, building supply, restaurant, and/or office in the same complex) are a permitted use, provided that no structure in the shopping center is greater than 75,000 square feet, and provided that the gross floor area of all structures located on the property is less than 150,000 square feet. A shopping center is a prohibited use in the section of the Route 3 Commercial District located westerly of Crocker Road; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 4. (Note: Also reference Sec. 102-768-A).~~
- ~~(5) Hotels and motels.~~
- ~~(6) Restaurants, indoor or outdoor seating, provided the use is connected to public sewer. In Area 4 of the Route 3 Commercial District, a restaurant is limited to a maximum of 75 seats, and shall comply with the Supplemental Performance Standards identified in Sec 102-774.~~
- ~~(7) In Areas 1, 2 and 3 of the Route 3 Commercial District; reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District, fast food restaurants are a permitted use, provided that the use is connected to public sewer. A fast food restaurant is a prohibited use in Area 4 of the Route 3 Commercial District, the area located westerly of Crocker Road.~~
- ~~(8) Professional offices and offices.~~
- ~~(9) Office complexes.~~
- ~~(10) Funeral homes.~~
- ~~(11) Health care facilities.~~
- ~~(12) Veterinarians and veterinary clinics.~~
- ~~(13) Kennels for boarding and/or training of pets.~~
- ~~(14) Retail and wholesale distribution establishments.~~
- ~~(15) Warehouses and storage facilities.~~
- ~~(16) Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services.~~
- ~~(17) Motor vehicle fuel and service establishments, except in Area 4 of the Route 3 Commercial District that is located westerly of Crocker Road; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District.~~
- ~~(18) Light industrial uses.~~
- ~~(19) Planned unit development (residential and nonresidential).~~
- ~~(20) Non-municipal public and quasi-public uses.~~

- ~~(21) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.~~
- ~~(22) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.~~
- ~~(23) Laundromats.~~
- ~~(24) Indoor recreational activities and facilities.~~
- ~~(25) Outdoor recreational activities and facilities, excluding shooting ranges.~~
- ~~(26) Stealth telecommunication facilities.~~
- ~~(27) Boat building, boat repair, boat retrofitting and boat storage, including the on site sale of boats and accessory equipment.~~
- ~~(28) Residential, multi-family.~~
- ~~(29) Medical Marijuana caregiver retail stores~~
- ~~(30) Medical Marijuana manufacturing facilities.~~
- ~~(31) Medical Marijuana testing facilities.~~

Sec. 102-768-A. Special uses requiring City review pursuant to contract rezoning.
~~{Ord. of 1-29-2008(1)}~~

~~The City shall use the contract rezoning process identified in Article X, Contract Rezoning, Division 2, to review and make a decision regarding the following applications in the Route 3 Commercial District:~~

- ~~a. — An applicant may request that the City allow a retail use that offers general merchandise, clothing and/or groceries for sale that exceeds the maximum size limit identified in 102-768(1) or a shopping center that exceeds the maximum size limit identified in 102-768(4), for that section of the Route 3 Commercial District that is located northerly of Route 3/Belmont Avenue and between the Route One by-pass to the east and Crocker Road to the west; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 2. The City may consider an application subject to requirements of Chapter 102, Article X, Contract Rezoning, Division 2. In Area 2, the Council has the authority to allow one such retail use that exceeds the maximum size limit, or one shopping center in which no more than one of the retail uses in the center exceeds the maximum size limit on a retail use.~~
- ~~b. — An application for a use permit, site plan permit, subdivision permit or similar permit for any use or structure located on Map 5, Lot23, as such property was depicted on the City Tax Assessor maps in effect on April 1, 2019, shall require review pursuant to the contract rezoning process. An application for any such permit or permits shall include a master plan (a planned unit development) prepared by the applicant that identifies how development of this entire tract of land is proposed to occur. A City decision on said master plan shall, at a minimum, identify the total amount of development permitted, the location of said development on the property, and how services and infrastructure will be constructed to serve the proposed development. Unless the application is for a use identified in subsections 102-768(1) or 102-768(4), the application shall be exempt from the requirements to conduct the comprehensive economic and community impact study identified in Division 2.~~

Sec. 102-769. Prohibited uses.

[Ord. of 1-29-2008(1)]

~~Only those uses specifically listed as Permitted Uses Requiring CEO review or Permitted Uses Requiring Planning Board review are allowed within the Route 3 Commercial District. All other uses are prohibited.~~

Sec. 102-770. Applicability of shoreland zoning and floodplain regulations.

[Ord. of 1-29-2008(1)]

~~Provisions of Chapter 82, pertaining to Shoreland Zoning, and Chapter 78, pertaining to floodplains, may apply in the Route 3 Commercial District. See the adopted shoreland map and the adopted FIRM flood maps.~~

Sec. 102-771. Dimensional and density standards for residential uses and structures in the Route 3 Commercial district.

(a) ~~The minimum lot size and minimum frontage requirements for residential uses are as follows:~~

- ~~(1) Any lot (property) that is connected to City sewer and that is used for a single family residence, a single family residence with an accessory dwelling unit in a detached structure, or a two family residence, shall be a minimum of 21,780 square feet (one-half acre) in size, and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road.~~
- ~~(2) Any lot (property) that is not connected to City sewer and that is used for a single family residence, a single family residence with an accessory dwelling unit in a detached structure, or a two family residence, shall be a minimum of 21,780 square feet (one-half acre) in size and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road.~~
- ~~(3) Any lot (property) that does not comply with either or both the minimum lot size and minimum frontage requirements established in clauses (1) and (2) above shall be considered a nonconforming lot of record, and may be used for a single family residence, a single family residence with an accessory dwelling unit in a detached structure, or a two family residence, subject to the provisions of the state plumbing code for subsurface wastewater disposal (if applicable), and the provisions in this Chapter, Article IX, Performance Standards, Division 6, Supplemental Performance Standards, regarding the minimum lot size for a nonconforming lot of record for the construction of an accessory dwelling unit to a single family residence in a detached structure (if applicable). For the purposes of determining if a lot is a conforming or non-conforming lot of record, the date of record for lot size requirements identified in clauses (1) and (2) above shall be January 24, 2001.~~

- ~~(4) Any lot (property) that is connected to public sewer, regardless of when it was created, that is used for a multi-family residential use established on or after April 7, 2020, shall be a minimum of 21,780 net square feet (one-half net acre) in size, and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The multi-family use on the lot also shall comply with the density standard identified in clause (b)(1) below.~~
- ~~(5) Any lot (property) that is not connected to public sewer, regardless of when it was created, that is used for a multi-family residential use established on or after April 7, 2020, shall be a minimum of 43,560 net square feet (one net acre) in size, and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The multi-family use on the lot also shall comply with the density standard identified in clause (b)(2) below.~~
- ~~(6) Any lot (property) that was used for a multi-family residential use before April 7, 2020 that does not comply with any one or all standards identified in clauses (4) and (5) above, shall be considered a nonconforming use of record. Said nonconforming use may continue, and may expand, subject to compliance with the requirements of Article III, Nonconformance, of this Chapter and all applicable performance standards identified in Article IX of this Chapter.~~

~~(b) Density standards for residential uses.~~

- ~~(1) The following density standards shall apply to a lot (property) that is connected to public sewer and that is occupied the following type of residential use:~~
- ~~a. Single family residence. One unit per 21,780 square feet.~~
 - ~~b. Two family residence. One structure (two units) per 21,780 square feet.~~
 - ~~c. Single family residence with an accessory dwelling unit in a detached structure. One principal and one accessory structure per 21,780 square feet. Also reference Article IX, Division 6, Supplemental Performance Standards in this Chapter, regarding the lot size requirement for a nonconforming lot of record on which construction of an accessory dwelling unit to a single family residence in a detached structure is proposed.~~
 - ~~d. Multi-family residence. A maximum of 6 multi-family dwelling units located in one or more structures on the first 21,780 net square feet (one-half net acre) of land area, and an additional 1,500 net square feet of land area for each additional multi-family dwelling unit that is constructed. Said units must be located in a structure that has 3 or more dwelling units in the respective structure to be considered a multi-family dwelling.~~
- ~~(2) The following density standards shall apply to a lot (property) that is not connected to public sewer, that uses a subsurface wastewater disposal system to manage wastewater, and that is occupied by the following type of residential use:~~
- ~~a. Single family residence. One unit per 21,780 square feet.~~

- ~~b. Two-family residence. One structure (2 units) per 21,780 square feet.~~
- ~~c. Single family residence with an accessory dwelling unit in a detached structure. One principal and one accessory structure per 21,780 square feet. Also reference Article IX, Division 6, Supplemental Performance Standards in this Chapter regarding the lot size requirement for a nonconforming lot of record on which construction of an accessory dwelling unit in a detached structure is proposed.~~
- ~~d. Multi family residence. A maximum of 4 multi family dwelling units located in one or more structures on the first 43,560 net square feet (1 net acre) of land area, and an additional 7,500 net square feet (about one sixth net acre) of land area for each additional multi family dwelling unit that is constructed. Said units must be located in a structure that has 3 or more dwelling units in the respective structure to be considered a multi family dwelling.~~

~~(3) If a lot (property) is occupied by one or more types of residential use, the total size (area) of the lot must satisfy both the respective lot size and density standards identified in (1) and (2) above for each type of residential use that is proposed. This standard, however, does not require an accompanying increase in the minimum amount of road frontage.~~

~~(4) If a lot (property) is occupied by both a nonresidential use and one or more types of residential use, the total size (area) of the lot must satisfy the minimum lot size (area) requirement for the nonresidential use identified in Sec. 102-772, the respective residential lot size standards identified in (a) of this section, and the respective density standards identified in (1) and (2) above for each type of residential use that is proposed. This standard, however, does not require an accompanying increase in the minimum amount of road frontage.~~

~~5) If a lot (property) is proposed for development as a residential planned unit development, the density standards identified in (1) above may be modified in accordance with the following applicable guidelines, and the lay-out of the project shall comply with the special provisions of Article VI of this Chapter. A planned unit development shall be subject to review by the Planning Board pursuant to the Subdivision Ordinance and Chapter 90, Site Plan, and shall comply with applicable performance standards identified in Article IX of this Chapter.~~

~~The following maximum density standards shall apply to a residential planned unit development that is connected to public sewer for the following types of residential housing.~~

- ~~a. Single family residence on public sewer. One unit per 10,000 square feet.~~
- ~~b. Two-family on public sewer. Two units in one structure per 12,500 square feet.~~
- ~~c. Accessory dwelling unit to a single family residence in a detached structure on public sewer. One accessory unit and 1 single family residence per 12,500 square feet.~~
- ~~d. Multi family residence on public sewer. No increase in density; refer to standards identified in (b)(1).~~

~~(6) If a lot (property) is proposed for development a residential planned unit development, and the property is not connected to public sewer, the density standards identified in (2) above shall apply to said development. The lay out of the project shall comply with the special provisions of Article VI of this Chapter, the project shall be subject to review by the Planning Board pursuant to the Subdivision Ordinance and Chapter 90, Site Plan, and the project shall comply with applicable performance standards identified in Article IX of this Chapter.~~

~~(e) — **Minimum structure setback requirements for residential structures.**~~

~~The following minimum setback requirements shall apply to the following types of residential structures and accessory structures to said residential structures:~~

~~(1) Single family residential structure.~~

~~Front: 30 feet~~

~~Side: 15 feet~~

~~Rear: 15 feet.~~

~~(2) Two family residential structure.~~

~~Front: 30 feet~~

~~Side: 15 feet~~

~~Rear: 15 feet~~

~~(3) Accessory dwelling unit to a single family residence in a detached structure.~~

~~Front: 30 feet~~

~~Side: 15 feet~~

~~Rear: 15 feet~~

~~(4) Multi family dwelling residential structure:~~

~~Front: 30 feet~~

~~Side: 25 feet~~

~~Rear: 25 feet~~

~~(5) All setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, Code Enforcement Officer or Planning Board may use a MDOT or City road layout or right-of way, a property deed, or similar information to determine the minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

~~(d) — **Structure height for residential structures.**~~

~~The maximum height of residential structures shall comply with the following standards:~~

- ~~(1) Single family residential structure, 38 feet.~~
- ~~(2) Two family residential structure, 38 feet.~~
- ~~(3) Accessory dwelling unit to a single family residence in a detached structure, 38 feet.~~
- ~~4) Multi family residential structure, 45 feet.~~
- ~~5) Accessory structures to all of the above residential structures, 38 feet.~~

~~(e) — Performance standards for residential uses.~~

~~All residential uses in the Route 3 Commercial district shall comply with applicable performance standards identified in Article VIII and Article IX of this Chapter.~~

Sec. 102-772. Dimensional standards for nonresidential uses and structures in the Route 3 Commercial district.

~~{Ord. of 1-29-2008(1)}~~

(a) — The minimum lot size requirements for a nonresidential use are as follows:

- ~~(1) The minimum size of any lot (property) created on or after January 24, 2001, shall be 43,560 square feet (one acre). The minimum size of such a lot, however, shall be greater than one acre, if warranted, to comply with the requirements of the Article IX, Division 3 Performance Standards, Subsections 102-1182(a) and (b) of this Chapter.~~
- ~~(2) A lot (property) created on or before January 23, 2001, that is less than 43,560 square feet (one acre) in size shall be considered a nonconforming lot of record, and shall be considered a buildable lot, provided that the lot complies, if warranted, with the requirements of the Article IX, Division 3 Performance Standards, Subsections 102-1182(a), (b), (d) and (e) of this Chapter.~~

(b) — Minimum lot frontage requirement for a nonresidential use.

- ~~(1) A lot (property) that is created on or after January 24, 2001, that has frontage on Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue, shall have a minimum of 200 feet of road frontage. The minimum amount of frontage, however, shall be greater than 200 feet, if warranted, to comply with the requirements of the Article IX, Division 3 Performance Standards, Subsection 102-1182(a) and (c) of this Chapter.~~
- ~~(2) A lot (property) created on or before January 23, 2001, that has frontage on Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue that has less than the required amount of frontage [reference subsection (1)] shall be considered a nonconforming lot of record, provided that the lot, if warranted, complies with the requirements of the Article IX, Division 3 Performance Standards, Subsections 102-1182(a), (c), (d) and (e) of this Chapter.~~

~~(3) A lot (property) that is created on or after January 24, 2001, that has frontage on any street, road or driveway other than Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue, shall have a minimum of 100 feet of road frontage.~~

~~(4) A lot (property) created on or before January 23, 2001, that has frontage on any street, road or driveway other than Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue, that has less than the required amount of frontage [reference subsection (3)] shall be considered a nonconforming lot of record.~~

~~(e) — Minimum structure setback requirements for a nonresidential structure.~~

~~(1) The minimum setback requirements for a nonresidential use are identified in the Article IX, Division 3 Performance Standards, reference Sections 102-1183, 102-1184 and 102-1185 of this Chapter.~~

~~(2) All setbacks shall be measured in accordance with the standards identified in Sec 102-770(c)(5).~~

~~(d) — Structure height for a nonresidential structure.~~

~~The maximum height of any nonresidential structure located within 200 feet of Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue shall be 45 feet. The maximum height of any structure located more than 200 feet from any of the above roads or located elsewhere in the Route 3 Commercial District shall be 60 feet.~~

Sec. 102-773. Nonresidential Performance Standards.

~~{Ord. of 1-29-2008(1)}~~

~~All nonresidential uses proposed in the Route 3 Commercial District, except those subject to the provisions of Section 102-768 A, shall comply with the Article IX, Division 3 Nonresidential Development Performance Standards identified in this Chapter.~~

~~Sec. 102-774. — Supplemental Performance Standards that apply to Section 102-768, Subsections (1.25) and (6) Uses.~~

~~The following supplemental performance standards shall apply to any use identified in Section 102-768, Permitted Uses Requiring Planning Board Review, Subsections (1.25) and (6), that are located on any property located in Area 4 of the Route 3 Commercial zoning district, except the property identified as Map 5, Lot 30. These standards shall supplement the Nonresidential Development Standards identified in Article IX, Division 3 of this Chapter for the Route 3 Commercial zoning district.~~

~~a. — Amount of front setback for structures.~~

- ~~1. The minimum amount of front structure setback for any newly constructed structure shall be no less than 70 feet. This setback requirement shall supersede the amount of front structure setback identified in Sec. 102-778(c)(1).~~
 - ~~2. If an existing structure is used for a use identified in Subsection 102-768, Subsection (1.25) or (6), and said structure does not satisfy the setback requirement identified in a.1. above, no portion (excepting steps or a handicap accessible ramp) of the existing structure can be expanded into the nonconforming front setback area or to decrease the amount of front setback of the existing structure.~~
- b. ~~Amount of front bufferyard.~~
- ~~1. The minimum amount of front bufferyard shall be no less than 60 feet. This bufferyard amount shall supersede the amount of front bufferyard identified in Sec. 102-1302(a).~~
 - ~~2. If a property with an existing building cannot satisfy the minimum front bufferyard requirement identified in b.1. above, the amount of the existing area that must be devoted to the front bufferyard area cannot be reduced, except for locating improvements such as but not necessarily limited to an access drive, utilities and similar improvements.~~
- c. ~~Amount of planting requirements for nonresidential uses. Plantings in the front bufferyard area shall provide effective and good quality screening, buffering and landscaping for the buildings and parking areas on the property, so that the appearance of the buildings and parking areas are effectively 'broken up'. The plantings shall include trees, shrubs and other vegetation. An applicant may use berms, fencing and other methods to supplement the plantings and to assist in achieving the intent of this Subsection. An applicant shall present a planting plan that clearly depicts how the proposed plantings and other measures will achieve the purposes of this Subsection. This planting requirement shall supersede the planting requirement identified in Sec. 102-1186.~~
- d. ~~Nonresidential structural design requirements. At the time of adoption of these Ordinance standards, the predominant use in the area located westerly of Crocker Road was residential housing. Existing residential structures that are converted to a retail or restaurant use shall retain their residential character, and newly constructed structures shall also reflect residential construction. These characteristics include but are not necessarily limited to: a pitched roof with a minimum 3/12 pitch, window and door openings that are residential in scale and that are located on the front facade of the building, and cladding materials appropriate to a residential structure. An applicant also may choose construction that resembles farm house or barn construction; such as the main showroom building for Perry's Furniture. This building design requirement shall supersede the requirements identified in Sec. 102-1187.~~
- e. ~~Signage. A use subject to these requirements shall have a maximum of 2 signs, only one of which can be a stand-alone sign. A stand-alone sign shall not exceed 48 square feet in size, no dimension of the sign shall be greater than 10 feet in length, the top of the sign shall be located no more than 10 feet above the adjacent ground grade, and the sign shall not be internally lighted. The on-building sign shall comply with the same requirements~~

~~regarding size and lighting. These sign standards shall supercede the standards identified in Chapter 84, Signs for the Route 3 Commercial zoning district.~~

~~Notwithstanding the above standards, an existing sign as of April 7, 2020 for an existing nonresidential use that does not conform to the above standards, shall be exempt from these standards and shall comply with the Chapter 84 requirements for the Route 3 Commercial zoning district, provided that the existing nonresidential use continues to operate.~~