

LIMERICK ZONING ORDINANCE

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An ordinance to promote the health, safety and general welfare of the community ~~by of~~ Limerick, Maine.

Article I - Preamble

In pursuance of the authority conferred by ~~Title 30, M.R.S.A., §4962 and Title 30 M.R.S.A., §1917 30-A M.R.S.A., §§ 4351 and §4352, et seq.~~, for the purpose of promoting the health, safety, and general welfare ~~of~~, as well as efficiency and economy in the process of development ~~in of~~ the incorporated Town of Limerick, Maine, by securing safety from fire, panic and other dangers, providing areas between buildings and various rights-of-way, ~~by~~ preserving the amenities now attached to our town, ~~the promotion of promoting~~ good civic design and arrangements, ~~and the providing for~~ wise and efficient expenditure of public funds, and ~~the providing adequate provision of~~ public utilities and other public requirements, and by other means, now, therefore, the following ordinance is hereby enacted by the voters of the Town of Limerick, Maine in official meeting convened.

Article II - Definitions

For the purposes of this ordinance, terms are defined as provided in this section.

~~Section I.~~

~~“Junkyard”: Junkyard means a yard, field or other area used to store:~~

~~a. Discard, worn out or junked plumbing, heating supplies, household appliances and furniture:~~

~~b. Discarded scrap, and junked lumber:~~

~~c. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron steel and other scrap ferrous or non ferrous material:~~

Commented [KC1]: This section was removed and the definition of junkyard was placed alphabetically within the other definitions.

Automobile graveyard: An “automobile graveyard” as defined in 30-A M.R.S.A. § 3752(1), as may be amended from time to time.

Commented [KC2]: Added since it is used in the ordinance and the state statute has a definition.

Automobile recycling business: An “automobile recycling” business as defined in 30-A M.R.S.A. § 3752(1-A), as may be amended from time to time.

Commented [KC3]: Added because changes including this definition (per state statute) are proposed for the Automobile Graveyards, junkyards and New/Used Car lots performance standard language. All of these uses are also regulated by the State.

Base Station: The primary sending and receiving site in a Communication Towers.

General Business office: A space used to conduct the administrative affairs of an organization.

Campground: Any premises ~~established for overnight use~~ used for the purpose of temporary camping ~~and~~ for which a fee is charged.

Communication Towers. As used in this ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free-standing, guyed, or on a building.

Conditional use: A use permitted only after review and approval by the Planning Board. ~~A conditional use is use and~~ that would not be appropriate without ~~restriction review~~, but which, if controlled under the provisions of the Ordinance, would promote the purpose of this Ordinance.

~~Contracting General & Building Construction Trades:~~ ~~This use may include a~~ business involved in construction, repair or demolition of residential or commercial ~~construction structures and/or fixtures.~~

Day Care Center or Nursery School:

Commented [KC4]: Moved from Land Use Chart Definitions

A. -A facility registered with or licensed by the State ~~and~~ that provides care or instruction to more than eight (8) children or ~~a facility registered and licensed by the State that~~ is not located ~~within~~ a residence. This term may also apply to facilities ~~which provide day care to the elderly or to adults with handicaps~~ disabilities.

B. A facility registered with or licensed by the State ~~and~~ that provides care or ~~instruction~~ to eight (8) ~~or fewer~~ children and is located ~~within~~ a residence. This term may also apply to facilities ~~which provide day care to the elderly or adults with handicaps~~ disabilities.

Domestic Animal Services: Establishments primarily engaged in providing care services, including but not limited to training and grooming (cleaning, maintaining, or clipping the appearance) of domestic animals that do not require housing or boarding of such animals.

~~Duplex:~~ ~~A fixed structure containing two dwelling units.~~

Commented [KC5]: Likely added because it should be added as a use in the Article V.A Land Use table along with Multi-family

Dwelling: A fixed structure containing one or more dwelling units.

Dwelling unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one ~~family household~~, including provisions for living, sleeping, cooking, bathing, and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.

~~Banks &~~ **Financial Institution:** A business or nonprofit organization providing retail financial services, including but not limited to banks, credit unions, financial exchanges, and check cashing facilities.

Commented [KC6]: Moved from Land Use Chart definitions.

Flea Market: A shop or open market customarily ~~involving providing tables~~ or space rented to vendors selling antiques, used and new household goods, curios and the like.

Commented [KC7]: Moved from Land Use Chart definitions

~~Foresty Products~~ **Products Industry:** ~~This may include A business involved in the processing of logs, tree length timber, or resawn lumber to to produce a product-- Products may include, but are not limited to such as~~ lumber, firewood, chips, mulch, pellets, or saw dust.

Commented [KC8]: Moved from Land Use Chart definitions

Frontage: ~~Shall mean the~~ The length of the lot bordering on the public right-of-way, or in the case of land fronting on public water, ~~shall mean~~ the length in a straight line measured along the extreme boundaries adjacent to such public water at mean high water level.

Front Yards: ~~A space~~ Area of land extending for the full width of a lot between the extreme front line nearest portion of a building and the nearest side of the right-of-way.

~~Home produce and products:~~ Means and includes everything of an agricultural nature grown, produced, conditioned or otherwise carried on the property of the resident, also such articles as are manufactured or altered by members of the household of the bona fide resident of any property.

Commented [KC9]: Likely proposed for removal because it is not used anywhere in the zoning ordinance.

Government/Municipal Facilities: Any facility, including but not limited to buildings, property, recreation areas, police protection, fire protection, libraries, and municipal offices which are owned, leased or otherwise operated or funded by a governmental body.

Grand fathered: A lawfully pre-existing nonconforming use, structure or lot ~~which was legally in existence when the ordinance took effect but that~~ does not conform to one or more requirements of a new the current ordinance.

Hammerhead Turns: A gravel or paved area built entirely outside of the right of way a minimum of fourteen feet by fifty feet (14' x 50') with fifteen feet (15') radii for the purpose of vehicular maneuvering.

Commented [KC10]: This definition is not used in either the zoning ordinance or the subdivision ordinance. Is there any reason for it to remain?

Home Occupation: ~~An A home-occupation or profession is defined as activity~~ customarily carried on within a dwelling unit or accessory structure ~~and that is~~ clearly incidental to the use of the dwelling unit for residential purposes. ~~Examples may~~ Customary home occupations include, ~~yet, but~~ are not limited to: hairdressing, millinery, laundering, ~~craft-making, woodworking preserving and home cooking, or similar uses,~~ or the office of a doctor, dentist, lawyer, musician, teacher, architect, real estate broker, computer programmer, or member ~~or of~~ any recognized profession ~~or similar uses.~~ ~~A Home occupation~~ shall also include any occupation or trade carried on or away from the premises and not requiring ~~ed~~ outside storage of an inventory, stock in trade, or other equipment. This definition does not apply to farming and agriculture. A structure, use or activity not otherwise permitted ~~within a district~~ by this ordinance shall not be permitted as a home occupation.

- ~~1.) Except for signs as permitted by this Ordinance, there shall be no external evidence of the occupation.~~
- ~~2.) At least one member of the family occupying the premises must be engaged in the occupation.~~
- ~~3.) There shall be no more than four employees engaged in the occupation, excluding family members.~~
- ~~4.) The home occupation may utilize:~~
 - ~~A. Not more than twenty percent (20%) of the dwelling unit floor area, provided that for the purposes of this calculation, unfinished basement and attic spaces are not included.~~
 - ~~B. Unfinished attic and basement spaces.~~
 - ~~C. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty percent (50%) of the total floor area of the dwelling unit as previously calculated.~~
- ~~5.) Retail or other sales of merchandise produced or manufactured on the premises shall be considered a home occupation.~~
- ~~6.) Except for residential requirements, parking for a home occupation shall not exceed ten spaces.~~
- ~~7.) Shall not have a significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light glare, or other cause.~~

Commented [KC11]: This part is not a definition – rather it is the performance standards for home occupations and as such should be moved to Article VI as a new section called Home Occupations.

Housing for the elderly: Housing constructed or adapted specifically for occupancy by elderly persons ~~which may include central dining facilities and the provision of~~ supportive social services.

Industrial: Uses involving manufacturing, finishing, packaging or processing of goods or the extraction of minerals.

Commented [KC12]: Proposed because a zoning district is called "Industrial"

Junk: ~~means~~ any old metals, old bottles, cotton or woolen mill waste, unfinished cloth, unfinished cotton or woolen mill yarns, old paper products, old rubber products, two or more unregistered motor vehicles, and other second hand articles, the accumulation of which ~~is us~~ detrimental or injurious to the neighborhood.

Junkyard: ~~— A “junkyard” as defined in 30-A M.R.S.A. § 3752(4), as may be amended from time to time.~~

Commented [KC13]: Using the state definition is easiest for the Town both for staying compliant and for consistency.

Kennel: An establishment operated as a business to house dogs, cats or other domesticated animals ~~not considered to be livestock~~ and where such animals are groomed, bred, boarded, trained or sold.

Commented [KC14]: Moved from Land Use Chart definitions

Manufacturing: ~~A use that involves the manufacture, compounding, assembly, or treatment of articles or materials.~~

Commented [KC15]: Likely added because the term is used in several places in the zoning ordinance

Manufactured Housing: ~~“Manufactured housing” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time. means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. For purposes of this Ordinance, two (2) types of manufactured housing are included. They are:~~

Commented [KC16]: Easiest for the Town to use state statute definitions to stay compliant and consistent.

~~(1) Those units constructed after June 15, 1976, commonly called “newer mobile homes,” which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in traveling mode, are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and which are built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundations, when connected to their required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this paragraph, except the size requirement and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq; and~~

~~2. Those units commonly called “modular homes,” which the manufacturer certifies are constructed in compliance with the state’s Manufactured Housing Act and regulation, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning, or electrical systems contained therein.~~

Mobile Classroom: A self-contained building transportable in one or more sections used for the purpose of providing educational instruction to students and which may or may not be attached to another building.

Mobile home: A structure transportable in one or more sections which is ten (10) body feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein.

Mobile home pad or pad: That concrete area in a mobile home park ~~which that~~ has been established for the placement of a home, appurtenant structures, or addition.

Mobile home park: A "mobile home park" as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time. A parcel or adjoining parcels of land under single ownership, which has been planned and improved for the placement of ten (10) or more mobile homes. Minimum lot size will be one hundred (100) feet roadside by two hundred (200) feet in depth.

Commented [KC17]: Again, easiest for Town to use state statute.

Mobile home subdivision: A "mobile home subdivision" as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

Commented [KC18]: See comment above.

Motor Vehicle Repair & Service Facility~~ies~~: ~~This use may include those operations which an establishment that provides service and maintenance to motor vehicles, including the accessory sale of gasoline, parts and supplies. This use may. Such establishments include service stations, muffler, transmission and brake shops, car washes, tune up centers, painting and auto body work shops, and establishments performing engine rebuilding or structural repairs and alterations to motor vehicles.~~

Commented [KC19]: Moved from Land Use Chart definitions

Multi-family residential building: A building or portion thereof principally designed, adapted, or composed of not more than four dwelling units.

Non-conforming use: ~~Means a building or structure or for the use of land, buildings or structures lawfully existing at the time of enactment of this ordinance, or any amendment thereto, which that currently does not conform to the regulations of this the~~ district in which it is situated.

Nursing Home: A facility licensed by the State, which that provides skilled nursing care and medical supervision to persons who are unable to care for themselves.

Commented [KC20]: Moved from Land Use Chart definitions

Older mobile homes, trailers: ~~Are terms that may be used interchangeably, and mean any factory-built home which that fails to meet the definition of "manufactured housing" in Paragraph 1 above and, more specifically, it shall mean any mobile home constructed prior to June 15, 1976.~~

~~**Permanent residents:** A family shall be considered a permanent resident when it has occupied any building continuously as a residence for a period of six (6) months or more.~~

Commented [KC21]: Likely proposed for removal because defining a seasonal residence meets the need and this term is not used anywhere in the zoning ordinance.

~~**Permanent foundation:** A "permanent foundation" as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.~~

Commented [KC22]: Likely proposed because this term is used in the Manufactured Housing Performance standards.

~~**Personal Service Establishment:** An establishment primarily engaged in providing services involving the non-medical care of a person or of his or her apparel. This Such establishments may include but are not limited to, beauty shops, barber shops, shoe repair shops, photographic studios, coin-operated laundries, fitness studios, and similar establishments.~~

Commented [KC23]: Moved from Land Use Chart definitions

~~**Pitched, shingled roof:** A "pitched, shingled roof" as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.~~

Commented [KC24]: Likely proposed because the term is used in the Manufactured Housing performance standard section. Easiest to refer to state statute.

~~**Processing Facilities:** A facility that Preparation or packaging and sale of prepares or packages and sells beef, poultry, and fish products, vegetables, fruit etc.~~

Commented [KC25]: Moved from Land Use Chart definitions

~~**Recreation Facility, Indoor:** - A place enclosed by walls, roof, and a floor, building or portion of a building designed and equipped for the conduct of indoor sports, leisure time activities and other customary and usual recreational activities, and operated by an entity other than a unit of government. This use may Such facilities include, but are not limited to, skating rinks, gymnasias, bowling alleys, and video arcades.~~

Commented [KC26]: Moved from Land Use Chart definitions

~~**Recreation Facility, B- Outdoor:** - A facility offering Outdoor recreation activities, operated by an entity other than a unit of government, whether operated for profit or not, including, but not limited to, cross country ski centers, ball fields, parks and playgrounds, livery, and ski tows, provided they fulfill State and Town Public Health requirements, but not including campgrounds, outdoor movies, and outdoor dine and dance facilities, or games and activities as described in the definition of amusements.~~

Commented [KC27]: Moved from Land Use Chart definitions

Repeater: A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a Base Station.

~~**Retail Stores Business:** An establishment that sells goods or commodities directly to the consumer. For the purposes of this Ordinance, the term retail store shall include sales rooms or showrooms, but not motor vehicle sales, either new or used, gas stations or eating places.~~

Commented [KC28]: Moved from Land Use Chart definitions

~~**Right-of-Way:** Means and includes all town, state and federal highways and the land of either side of same as covered by statutes to determine the width of rights of way, and rights of way and public land reservations as designated on the official map of the town. The easement encompassing an existing or future public or private road.~~

Road, Private: A road or way that is privately maintained. A private road shall receive no Town services, such as snowplowing, grading, paving or other maintenance.

Commented [KC29]: Added because a private way is referred to in the definition of "Street" in the subdivision regulations but is not defined.

Road, Public:

- A. An existing accepted state, county or Town way;
- B. A road dedicated to public use and shown upon a plan approved by the Planning Board and recorded in the York County Registry of Deeds;
- C. A road dedicated for public use and shown on a plan recorded in the York County Registry of Deeds prior to the establishment of the Planning Board.
- D. Does not include those ways which have been discontinued or abandoned.

Commented [KC30]: Added to bolster the definition of "Street" in the subdivision regulations. May want to consider defining "Street" in the zoning ordinance and removing it from the subdivision regulations in the future.

Seasonal residence: Buildings used for ~~summer-seasonal~~ residence only, including camps, and cottages, but on a that are structurally permanent basis and occupied less than six (6) months in any one twelve (12) month period.

Single-family residence: A fixed structure containing one dwelling unit.

Commented [KC31]: Likely proposed because it should be a use in the Article V A Land Use table along with Duplex and Multi-family residential.

Structure: ~~Buildings, utilities, or right-of-ways including driveways and parking areas. [1] Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, but including rights of way, driveways and parking areas. [The term includes structures temporarily or permanently located, such as decks and satellite dishes.] [2] -Anything constructed or erected, except a boundary wall or fence, the use of which requires a fixed location on the ground or attachment to something fixed on the ground, whether installed on, above, or below the surface of land or water.~~

Tourist home: ~~Shall mean a~~ Any place consisting of a room or group of rooms located on one premises where transient accommodations for sleeping or living purposes for not more than six (6) persons are provided for a price.

Transportation Services: ~~A business engaged in. This may include~~ the movement of goods and materials, including a for-hire service. ~~Such B) businesses may include,~~ but are not limited to, the transportation of logs, sand & gravel, produce, freight and passengers.

Commented [KC32]: Moved from Land Use Chart definitions