ARTICLE 3 ZONING DISTRICTS

301 GENERAL

301.1 SHORT TITLE

This Article shall be known and may be cited as the "Zoning Ordinance of the City of Brewer, Maine," and will be referred to herein as this "Ordinance" or "Article."

301.2 BASIC REQUIREMENTS

All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and uses of premises in the City shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, land, or water area is located.

302 ESTABLISHMENT OF DISTRICTS (#85)

For the purposes of this Ordinance, the City of Brewer is hereby divided into the following districts as set forth in this Ordinance and as shown on the Official Zoning Map:

Abbreviation	Zone District Name
Rural	Rural
LDR	Low Density Residential
MDR-1	Medium Density Residential-1
MDR-2	Medium Density Residential-2
HDR	High Density Residential
HDR-2	High Density Residential-2
CB	Convenience Business
DD	Downtown Development (#41)
GB	General Business
PB	Professional Business (#3)
IND	Industrial
IND-2	Industrial-2
OR	Office Residential
WTR	Waterfront

FLOATING ZONES (#41)

AR	Adaptive Reuse
ARM	Adaptive Residential Multi-unit

OVERLAY ZONES (#53)

SZP	Shoreland Zoning Protection District
RP	Resource Protection District
SP	Stream Protection District
OP	Overlay Protection District
MF	Manufactured Housing District

Note that the Shoreland Zoning Protection District, which consists of a "resource protection district", "stream protection district", and an "overlay district" and also the "Manufactured Housing district" are overlay districts which are depicted on maps which are elements of the Official Zoning Map as adopted by the City of Brewer. (#53)

303 OFFICIAL ZONING MAP

The zoning map officially entitled "City of Brewer Zoning Map," shall consist of the following map elements:

I. A "Zoning Base map" depicting the several zoning districts in the City of Brewer;

II. A "Shoreland Zoning Protection map" depicting those areas subject to Shoreland zoning; viz. All land areas within 250 feet, horizontal distance, of the normal high-water mark of the Penobscot River, within 250 Feet of a state-designated coastal or freshwater wetland, and within 75 feet, horizontal distance of Sedgeunkdunk Stream or 85 feet, horizontal distance of Felts Brook and Eaton Brook;

III. A "Manufactured Housing Overlay District zoning map." The map series shall bear the date(s) of adoption and subsequent to adoption shall become a part of this ordinance.

Regardless of the existence of other printed copies of the Zoning Map, Base or stated overlays, which from time to time may be made or published, the Official Zoning Map, which shall be located in the office of the City Clerk, shall be the final authority as to the current zoning status of the land and water areas, buildings and other structures in the City of Brewer.

304 INTERPRETATION OF DISTRICT BOUNDARIES

304.1 INTERPRETATION

District boundaries shown within the lines of a road, stream or transportation right-of-way shall be deemed to follow the center line of such road, stream or right-of-way. The vacating of a road shall not affect the location of a district boundary.

304.2 UNCERTAINTY OF BOUNDARY LOCATION

When the Code Enforcement Officer cannot definitely determine the location of a district boundary by reference to the zoning map and such center lines using the scale

of dimensions stated on said zoning map, or by the fact that a line does not clearly coincide with a property line, he shall refuse action, and the Board of Appeals, upon appeal, shall interpret the location of the district boundaries with reference to the scale of the map and/or the intent of the City Council at the time the zoning map was adopted. The intent of the City Council shall be presumed to be the intent of the Planning Board when it approved the Ordinance, as determined from the minutes of its meetings unless the City Council otherwise acted at the time of enactment.

304.3 SHORELAND OVERLAY DISTRICTS

The Shoreland Overlay Districts consisting of the Resource Protection District, the Stream Protection District and the Overlay Protection District adopted as part of this Land Use Code are illustrative only and subject to field measurement.

304.4 MANUFACTURED HOUSING DISTRICT

The Manufactured Housing District Overlay adopted as part of this Land Use Code depicts boundaries.

305 DISTRICTS CROSSING LOT LINES

Where a district boundary crosses a lot in individual ownership, but not on the lot line, then the less restrictive zone provisions shall extend 30 feet into the more restrictive zone of said lot.

306 SCHEDULE OF USES

306.1 ACTIVITY CATEGORIES AND PURPOSES OF ZONING DISTRICTS

With the exception of the Shoreland Protection District and the Manufactured Housing Overlay District, land uses permitted in the City's zoning districts, in conformance with the performance standards contained in Article 4 of this Land Use Code, are shown in a matrix in Section 306.5 below. The various land uses contained in the matrix are organized into the following activity classifications:

Open Space	Industrial
Residential	Institutional
Commercial	Miscellaneous

Shoreland Protection District requirements and purpose are contained in Section 308 of this Article. Manufactured Housing District Overlay provisions and purpose are contained in Section 309 of this Article.

The purposes of the several zoning districts are as follows:

"Rural" The purpose of this district is to provide for areas within the city for the development of very low density residential areas while protecting the rural character of these portions of the city. Development within the area should be sensitive to the rural nature of the district and should preserve open space to the maximum extent possible.

"Low Density Residential" This district is intended to provide for housing mixed with complementary recreational and institutional uses in a low density setting immediately adjacent to the urban area.

"Medium Density Residential" This district is aimed at providing zones where a majority of the city's population can reside with a balance between urban living and open space. The district is intended to serve good quality single family housing. These lots are designed to be served by off lot utilities. Protection of established residential neighborhoods from undesirable impacts is an important value in this district. Medium Density Residential One shall provide for single family housing and closely related ancillary uses. Medium Density Residential Two provides for single family and two family living in a minimum net density of six housing units per acre.

"High Density Residential" This district encompasses portions of the city which were developed in the 19th and early 20th centuries. Serviced by public utilities, it exhibits a mix of residential housing types, plus attendant community service units such as churches.

"High Density Residential-Two" The purpose of this district is to provide for a harmonious mixture of residential uses in close proximity to urban services.

Commercial and Industrial Districts

"Convenience Business District" The purpose of this district is to permit a variety of uses which are predominantly retail and service oriented. Residential uses are to be combined with governmental and retail uses, so as to provide vitality to the neighborhood. The district developed in the 19th and early 20th centuries is served with off-lot water and sewer facilities. The Penobscot River provides a welcome neighbor to much of the district and her proud heritage should be husbanded for life and living.

"Downtown Development District" The purpose of this district is to allow for a variety of retail, entertainment, service businesses and office uses which are characteristic of a walkable central business district. Residential uses are combined with commercial uses but limited to upper floors of multi-story buildings. The district is serviced by off-lot water and sewer facilities, as well as on-street parking and nearby parking facilities. (#31)

"General Business District" The purpose of this district is to provide for a variety of commercial uses, including highway oriented types. The area is intended to be the location for the communities major shopping facilities, including shopping centers. The standards of the district are intended to encourage developments which have controlled

vehicular access. The basic utilization unit is one acre; off lot water and sewer are required. (#70)

"Professional Business District" The purpose of this district is to provide for professionally-oriented commercial development in areas located near significant public infrastructure. The area is intended to include office-oriented uses, professional services, and research and development applications along with retail and commercial enterprises that are supportive of such development. The standards of the district are intended to encourage refined and compatible aesthetic themes across property lines, including landscaping and signage, and provide for the development of thematic or campus-style projects. (#3) (#53)

"Office Residential District" The purpose of this district is to provide an orderly transition of older residential areas along major traffic arteries to low intensity office and service uses, as well as multifamily housing. The district, located on arterial roads, contains a mix of residential types and construction styles dating to the 19th century and is serviced by utilities. The aim of the district is to provide for a variety of housing types and planned professional office/institutional uses that are compatible with neighborhood character and architectural styles. Conditional use provisions of this ordinance are aimed at achieving the integration of the office and institutional uses into the existing residential stock.

"Industrial District" The purpose of this district is to provide for industry and warehousing in which high value industrial and warehousing installations in campus arrangements are encouraged.

"Industrial District Two" The purpose of this district is to provide for industrial and warehousing uses which are compatible with the Brewer Airport and do not require on lot water and sewer utilities.

The following floating zones require a Contract Zone Agreement: (#33)

"Adaptive Reuse District" (#30)

A. The purposes of this district are to:
   1) Provide specific regulations allowing for the reuse of municipal buildings and public school buildings in a way that promotes public health, safety and welfare and is in keeping with the adjacent character of the neighborhood;
   2) Allow for the reuse of municipal buildings and public school buildings throughout the city as a means to increase the city's overall tax base, create employment opportunities and ensure efficient use of municipal services so as to not create a burden on these services;
   3) Ensure that such uses are compatible with their surroundings.

B. Eligibility: A municipal building or public school building is eligible for conversion to those uses listed in Section C below, but only if it meets all of the following criteria:
   1) It was used for not less than 15 years for a governmental or school purpose,
   2) It contains not less than 10,000 square feet in total gross floor area; and
   3) It is located within the commercial zoning district Office Residential (OR).

C. Uses allowed:
   1) Multi-family housing, senior housing and affordable housing;
   2) Art Galleries; Museums;
   3) Auditoriums;
   4) Barbers, Beauty Shops;
   5) Business Offices and Professional Offices;
   6) Financial Institutions;
   7) Child Care Center, Day Care Facility (Children and/or Adult)
   8) Senior Center; Community Center;
   9) Indoor and/or Outdoor Recreation;
   10) Churches and other places of worship.

D. Development Standards:

   1) All uses require Brewer Planning Board site plan approval;
   2) The dimensional requirements listed in Section 307 of this Land Use Code for the current zoning district shall govern development in the AR district. The Brewer Planning Board may grant waivers to modify these requirements if the reuse of the building necessitates enhancements, which are not designed to increase the building capacity, but are required to make the building functional for the intended new use (i.e. lighting, elevator, railings, etc.) and the converted premises will be adequately landscaped in a way that promotes harmony with the neighborhood. The Brewer Planning Board may also increase the residential density requirement if the Board determines that the site is suitable for the type of development proposed.
   3) Off-street parking spaces and loading/unloading spaces shall conform to the provisions under Article 4 of this Land Use Code. The Brewer Planning Board may grant waivers to reduce the parking requirements in said Article 4 if the Board determines that the parking provisions proposed in the application adequately meet the needs of the proposed reuse and would not be detrimental to the adjoining neighborhood.
   4) Additional structures may be placed on the same parcel as the reuse structure. All other structures (except for the reuse structure) shall meet the dimensional requirements listed in Section 307 of this Land Use Code and parking requirements listed in Article 4 of this Land Use Code.

E. Additional Conditions: The Brewer Planning Board may attach additional conditions and limitations as may be necessary to protect the neighborhood and as may be

necessary to encourage the most appropriate use of the land and building to be converted.

"Adaptive Residential Multi-unit District (ARM)" (#33)

A. The purposes of this district are to:
   1) Provide specific regulations allowing for a higher density of residential dwelling units in a way that promotes public health, safety and welfare and is keeping with the adjacent character of the neighborhood.
   2) Allow for a diversity of residential housing opportunities for people of different incomes, family types and lifestyles.
   3) Ensure that such opportunities are compatible with their surroundings.

B. Eligibility: A project is eligible for a contract zone agreement into this district only if it meets all of the following criteria:
   1) It is located within the Growth Area as designated by the most recent Brewer Comprehensive Plan.
   2) It is located within a City of Brewer Revitalization Plan and the proposed project meets at least one of the goals within said Plan.
   3) It is located within the Office Residential (OR) zoning district.
   4) It must connect and utilize public sewer and water supply.
   5) It must be served by public bus service if the project is affordable and/or elderly housing.
   6) It must be used solely for residential dwelling units and it accessory uses, and contain a minimum of thirty (30) dwelling units.

C. Development Standards:
   1) The proposed project requires Brewer Planning Board site plan approval The proposed project may require Brewer Planning Board subdivision approval as determined by local ordinance and state subdivision law.
   2) The dimensional requirements listed in Section 307 of this Land Use Code for the current zoning district shall govern development in the ARM district, with the exception of minimum lot area. The Brewer Planning Board may increase the residential density requirement if the Board determines that the site is suitable for the type and scale of development proposed.
   3) Off-street parking spaces and loading/unloading spaces shall conform to the provisions under Article 4 of this Land Use Code. The Brewer Planning Board may grant waivers to reduce the parking requirements in said Article 4 if the Board determines that the parking provisions proposed in the application adequately meet the needs of the proposed project and would not be detrimental to the adjoining neighborhood.
   4) The project shall include, at the applicant's expense, the design and construction of a capital improvement, approved by the Brewer Planning Board, to be used as a public benefit. Such improvements may include, but Are not limited to, a bus shelter, playground or similar items.

D. Additional Conditions: The Brewer Planning Board may attach additional Conditions and limitations as may be necessary to protect the neighborhood.

"**Waterfront District**" The purpose of this district is to promote a variety of retail, restaurant, entertainment and recreational uses along the Penobscot River and Brewer Riverwalk, as well as high-density residential developments (but not single-family dwellings). The standards of this district are intended to encourage the creative use of property consistent with the goal of creating a vibrant, attractive waterfront area. Bicycle and pedestrian provisions are strongly encouraged. Outdoor space is encouraged for compatible uses. (#85)

306.2 **SYMBOLS USED IN SCHEDULE OF USES AND THEIR PROCESSES** (#30) (#31) (#33) (#41) (#85)

The following symbols contained in the Schedule of Uses have the following meanings:

1. DISTRICT SYMBOLS

Rural	**Rural**
LDR	Low Density Residential
MDR-1	Medium Density Residential-1
MDR-2	Medium Density Residential-2
HDR	High Density Residential
HDR-2	High Density Residential-2
CB	Convenience Business
DD	Downtown Development
GB	General Business
PB	Professional Business
IND	Industrial
IND-2	Industrial-2
OR	Office Residential
WTR	Waterfront

Floating zones:

AR	Adaptive Reuse
ARM	Adaptive Residential Multi-unit

2. PERMIT REQUIRED SYMBOLS (#41)

Y	Uses allowed without a permit
P	Uses requiring a building permit or other type of permit from the Code Enforcement Officer
D	Uses requiring Departmental Review approval in accordance with the requirements of Article 3, Section 306.2.3 of this Land Use Code

S	Uses requiring Site Plan Review approval from the Planning Board in accordance with the requirements of Article 6 of this Land Use Code
1, 2, etc.	Numbers adjacent to letter symbols refer to notes at the end of the Schedule of Uses which contain additional requirements.
Blank	Not permitted

3. PERMIT PROCESS (#41) (#57)

For parcels with existing approved site plans, a change of use to a use not requiring site plan approval can be approved through the Code Office review and approval (P) process provided the site meets the required Performance Standards contained in Article 4 of this Land Use Code for the new use and the site is in compliance with the existing approved site plan except for this change of use.

Y	Uses allowed without permit. Use is allowed provided the performance standards contained in Article 4 of this Land Use Code are met and maintained.
P	Uses permitted requiring Code Office review and approval. The applicant shall contact the Brewer Code Office to explain the proposed use and property involved. The Code Office shall determine if the use is permitted and inform the applicant of the required permits for the project. The applicant shall pay all required fees prior to receiving each permit. Depending on the use, permits and/or licenses from other City departments and/or the City Council may be required.
D	Uses requiring Departmental Review approval. The applicant shall contact the Brewer Code Office to explain the proposed use and property involved. The Code Office shall determine if the use is allowed on the property and verify the requirement of departmental review approval. The applicant shall submit four (4) copies of their completed application form and accompanying information to the Code Office. The Code Office shall notify the following City departments and inform them of the submitted application: Planning Department Engineering Department Environmental Services/Wastewater Department Economic Development Department Public Works Department Public Safety Department Water Department

The four submitted application copies shall be distributed to the Code Office, Planning Department, Engineering Department, and Environmental Services Department. The Code

Office shall seek comments from the departments listed above, along with any other department and/or the City Solicitor, and relay them to the applicant. The Code Office can approve the application only after the Planning Department and Engineering Department have recommended approval of the application in writing as based on comments from the departments listed above. Once approved, the Code Office can issue the required Code Office permits for the project. The applicant shall pay all required fees prior to receiving each permit. Depending on the use, permits and/or licenses from other City departments and/or the City Council may be required.

S Uses requiring Site Plan review and approval by the Brewer Planning Board. The applicant shall contact the Brewer Code Office to explain the proposed use and property involved. The Code Office shall determine if the use is allowed on the property and verify the requirement of site plan approval. The applicant shall then follow the requirements of Article 6 of this Land Use Code. After receiving site plan approval, the Code Office can issue the required Code Office permits for the project. The applicant shall pay all required fees prior to receiving each permit. Depending on the use, permits and/or licenses from other City departments and/or the City Council may be required.

306.3 USES SUBSTANTIALLY SIMILAR TO PERMITTED USES (#41) (#45) (#52)

1. USES ALLOWED WITH OR WITHOUT A PERMIT

Uses substantially similar to those allowed with or without a permit, but which are not listed in the Schedule of Uses, may be permitted upon a ruling of the Code Enforcement Officer that such unlisted use is substantially similar to such allowed uses.

2. USES REQUIRING SITE PLAN APPROVAL

Uses substantially similar to those requiring Site Plan approval under this Ordinance, as determined by the Code Enforcement Officer, but which are not listed in the Schedule of Uses, may be permitted by the Planning Board.

3. PROHIBITED USES (#55) (#66)

Uses substantially similar to a prohibited use in the Schedule of Uses, as determined by the Code Enforcement Officer, are prohibited.

The following recreational marijuana uses, as defined by State Statute, are prohibited;

Adult use marijuana cultivation facilities; and
Adult use marijuana products manufacturing facilities;

The following medical marijuana uses, as defined by State Statute and this Ordinance, are prohibited:

Medical marijuana caregiver retail stores;
Medical marijuana cultivation and processing facilities;
Medical marijuana registered dispensaries and medical marijuana dispensary cultivation facilities;
Medical marijuana testing facilities; and
Medical marijuana manufacturing facilities.

306.4 COMPLIANCE WITH PERFORMANCE STANDARDS

All uses which are permitted must occur and be maintained in compliance with the applicable requirements of Article 4, Performance Standards.

306.5 SCHEDULE 0F USES (#31) (#46) (#52) (#57) (#63) (#85)

Any non-residential uses allowed with or without a permit which creates 5,000 square feet of new gross floor area, or creates 5,000 square feet or greater of new un-vegetated area in the development, separately or collectively, shall be subject to Site Plan Review. Any proposed non-residential uses allowed, with or without a permit, exceed the 5,000 square foot area for new gross floor area or new un-vegetated area, or any proposed combination of the two activities, within a two (2) year period shall be considered cumulative activity and shall require site plan review. (#17)

USE	RURAL	LDR	MDR -1	MDR -2	HDR	HDR-2	CB	GB	IND	IND -2	OR	PB	DD	WTR
OPEN AREA USES														
Accessory Use	P	P										P		
Agriculture	Y	Y												
Barnyard Animals	Y-8,25	Y-8,25												
Farm Stand	P	P											P	P
Forestry	P	P												
Public Parks / Trails	S	S	S	S	S	S	S	S	S-63	S-63	S	S	S	Y
Public Playground	S	S	S	S	S	S	S	S			S		S	Y
Removal of Fill, Gravel, Stone, Loam	S	S												
Water storage-Farm Pond	P-1,2,or 21	P- 1, 2,or 21												
RESIDENTIAL USES														
Accessory Use	P	P	P	P	P	P	P				P		P	P
Single-family Dwelling	P-70	P-70	P-70	P-70	P-70	P-70	P-70	P-61, 70			P-70			
Home Occupations	P	P	P	P	P	P	P				P			P
Home Day Care	D-62	D-62	D-62	D-62	D-62	D-62	D-62				D-62			P-62
Medical Marijuana Home Production	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67
Manufactured Housing*														
Mobile Home Park		S-15,16				S-15,16								
Multi-family, 3 or more, Dwelling Units (#18)		S-69,70			S-69,70	S-69,70	S-69, 70	P-61, 69, 70			S-69, 70		S-65, 69, 70	D-73
Planned Unit Development Of Residential Units		S	S-12,15, 16	S-12,15, 16	S	S-12,15, 16	S-12, 15, 16							S-73

Short-Term Rentals (#65)		Y-71			Y-71	Y-71	Y-72				Y-71		Y-71, 65	Y 71, 73
Two-family Dwelling Units (#18)		P-70		P-70	P-70	P-70	P-70	P-61, 70			P-70		S-65,70	P-73

306.5 SCHEDULE OF USES (#31) (#55) (#85)

USE	RURAL	LDR	MDR -1	MDR -2	HDR	HDR-2	CB	GB	IND	IND -2	OR	PB	DD	WTR
COMMERCIAL USES														
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	
Adult Amusement Store								S-6						
Adult Motion Picture Theater and On-Site Adult Video Screening									S-6					
Adult Entertainment Nightclub, Bar or Cabaret									S-6					
Adult Relaxation Spa or Adult Spa									S-6					
Adult-Use Marijuana Store (#55)								S-68				S-68		
Adult-Use Marijuana Testing Facility (#55)								S-68	S-68					
Animal Clinic								S	S-64	S-64		S		
Animal Hospital		S-2,3							S-64	S-64				
Art Galleries							P	P			P	S	P	P
Artisan Manufacturing Studio (#38)(#41)							S	S					D	D
Auto Repair							S-12,22,39	S-12	S-12,38	S-12,38				
Auto Service							S-12,22,39	S-12	S-12,38	S-12,38				
Auto, Truck, Equip., Sales							S-5	S-5	S-5					
Aviation		P-1,7								P-1,7		S-1,7		
Bar, Tavern, Lounge (#38)							S	S					S	D
Barbers, Beauty Shops							P	P			P	S	P	P
Bed & Breakfast		P			P	P					P		P-65	P
Boarding of Horses	P-1,2,8													
Brew Pub (#38)							S	S					S	D
Building Supply Business								S	S	S				
Business Offices (#41)			S-55	S-55	S		P	P	P		S	S	D	D
Camping Parks	S	S												
Catering Facility							P	P	P			S		
Child Care Center							S		S-60			S		

306.5 SCHEDULE OF USES (#31) (#85)

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD	WTR
COMMERCIAL (continued)														
Dance Halls							S	S					S	S
Event Space, Small-Scale														S
Financial Institutions (#41)							P	P	P		S	S	D	D
Funeral Homes					S-12,55		S-55				S-55			S-55
Golf Course	S	S-14										S		
Industrial Laundry Facility									S-64	S-64				
Kennels	S-2,3	S-2,3												
Laundromat, Dry Cleaners							P	P				S		S
Microbrewery (#38)							S	S	P	P				P
Mobile Home Sales								S						
Motel and Hotel							P-12	P-12				S	S-65	S 73
Museums					P-55		P	P			P	S	P	P
Newspaper & Job Printing Nightclubs (#38)							P	P S	P		P			
Nurseries & Greenhouses	P	P						P	P			S		
Planned Group Development (#9)												S		S
Professional Offices (#41)		S	S	S	S		P	P	P		S	S	D	D
Recreational Facilities- Indoors							S	S				S	S	S
Recreational Facilities- Outdoors	S	S					S	S				S	S	S
Recycling Center, other than Automobile recycling facility								S	S					
Redemption Center							S							
Restaurant							P	P				S	S	D
Restaurant or Service Establishment with Accessory Production														D
Retail Stores (#41)							P	P				S	D	D

306.5 SCHEDULE OF USES (#31) (#85)

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD	WTR
COMMERCIAL (continued)														
Rooming, Boarding Houses					S-55		S							
Self-Service Storage Facility (#57)								S-18	S					
Service Businesses (#41)							P	P			P	S	D	D
Shopping Centers							S	S						S
Takeout Food Services							S	S				S	S	D
Telecommunication Facilities Not exempt							S-17	S-17	S-17	S-17		S-17		
Theaters							S	S				S	S	S
Transportation Uses								S	S	S				
Truck Terminal									S					
Warehousing							S	S	S	S				
Wholesaling							S	S	S	S		S		
INDUSTRIAL USES														
Accessory Uses							P	P	P	P		P		
Automobile Graveyards, Automobile Recycling Facility & junkyards									S					
Bulk Oil & Fuel Tanks									S					
Construction Equipment Storage								S	P	P-38				
Firewood Processing									S	S				
Light Manufacturing							S	S	P	P				D
Manufacturing									S	S				
Research and Development Facility(#13)									S			S		
Research Facility (#13)									S			S		

306.5 SCHEDULE OF USES (#31) (#66) (#85)

INSTITUTIONAL USES														
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P		
Auditorium											P	S		
Cemeteries	S	S-1,2,10,12												
Church(#26)(#29)	S	S	S	S	P-55	S	P	P	S		P	S	S	S
Clubhouse & Clubs		S-1,2		S			S	S						
Community Service Organizations							S	P				S	S	P
Government Uses except Essential Services	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Hospice		S				S					S	S		
Hospitals Narcotic Treatment Facility (#11)								S S-9				S S-9		
Nursing, Convalescent Home		S				S		S				S		
Private Schools		S			S-55		P					S		P
Religious Services as Ancillary Use							P		P	S		S		
MISCELLANEOUS														
Essential Services	P**	P**	P**	P**	P**	P**	P**	P**	P**	P**	P**	P**	P**	P**
Essential Service Buildings	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17

306.5 SCHEDULE OF USES (#31) (#55) (#57)

Footnotes to Schedule of Land Uses

* See Manufactured Housing Overlay District

** Permits are not required when a Utility Permit or Street Opening Permit has been issued. Permits are not required when the utility is located entirely upon the premises of the customer requesting service or for the purpose of maintenance except when a Utility Permit or Street Opening Permit is required. All utilities, both public and private, must be installed underground when located within the right-of-way and/or 150 feet from the right-of-way property line of any accepted City street within the Professional Business (PB) District and along the entirety of

Dirigo Drive. This requirement does not apply to Parkway South Wilson Street, and Greenpoint Road except for those areas within or 150 feet from Dirigo Drive as described prior. (#10)

1. Two Hundred (200) feet from any public right-of-way.
2. Two Hundred (200) feet from any abutting property line.
3. One Hundred (100) feet from any public right-of-way.
4. One Hundred (100) feet from any abutting property line.
5. The sales and display of which shall not be within the City's right-of-way.
6. The following Chapters, Articles and Sections shall apply: Chapter 20, Article 5, Section 509 Permitted Locations. Chapter 28 Signs. Chapter 24, Land Use Code, Article 4, Section 424 and Article 6.
7. Enclosed with a fence of a minimum height of six (6) feet and of such design so as to prevent any readily accessibility other than a gate.
8. Fenced along a public way six (6) feet in height.
9. The following Chapters, Articles and Sections shall apply: Chapter 24, Land Use Code, Article 4, Sections 424 & 437, and Article 6. The facility shall be located no closer than 250 feet from the property line of any public and/or private school. (#11)
10. Enclosed with a fence of a minimum height of four (4) feet, so as to prevent any readily accessibility by an automobile other than by a gate.
11. *(Repealed)*
12. The traveled area of automobile entrances shall not be more than thirty (30) feet wide or pedestrian entrances more than six (6) feet wide.
14. Abutting street must be at least twenty-eight (28) feet in width.
15. Water- public water- available.
16. Sewer- public sewer- available.
17. The essential services building can be located at the discretion of the Planning Board; Notwithstanding the requirements of this ordinance, Essential Services Buildings as defined, shall be exempt from the lot area, coverage, width and frontage requirements of the district in which they are located, provided such structures shall be screened from a public or private street and from any residential district. Additional screening from abutting property owners may be required. Such a buildings or structures must be architecturally similar to the surrounding buildings or structures and kept in good repair.
18. Not allowed on Wilson Street, Dirigo Drive, Parkway South, or State Street. All buildings for this use shall have a three-hundred-and fifty (350) foot setback from Wilson Street, regardless of property lines. These regulations apply to existing and proposed buildings. (#75)

21. Enclosed by a fence if the actual use is within one hundred (100) feet of the right-of-way or property line.
22. Fenced from view of abutting land owners by a six (6) foot high solid fence.
25. Shall be enclosed by a fence built to confine such animals as are kept and such fence shall be no closer than one hundred (100) feet to any property line

38. All vehicles or parts of vehicles stored outside of buildings shall be fenced from view by a six (6) foot high solid fence within one (1) week from the date that such vehicles are stored.
39. The number of automobiles for sale shall not exceed three (3) automobiles, and the display area for automobile sales shall no exceed six hundred (600) square feet (#9)

49. Lot must contain at least ten (10) acres of land.
54. Structures limited to 2,500 square feet total ground coverage and two stories in height.
55. Located on North Main Street, South Main Street, Wilson Street or State Street.
56. Access drives/driveways: Limited to a single driveway with a minimum width of fifteen (15) feet and a maximum of twenty-four (24) feet; a curb radius of at least five (5) feet and a maximum of fifteen (15) feet. The minimum distance between adjacent driveways shall not be less than ten feet at the highway right-of-way.
60. As an ancillary use to existing use which is limited to the children of employees.
61. As an ancillary use of the principal structure, limited to the area above the ground floor level.
62. To be reviewed referencing the requirements of Article 4, Section 411.
63. Trail only.
64. Only when served by public water and sewer. (#8)
65. Residential uses/rooms are not allowed or permitted on ground floors or first floors (ie. the first floor facing the street).
66. Medical marijuana home production, as defined herein, shall be considered an accessory residential use that does not require land use permitting. As an accessory use, medical marijuana home production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every zoning district, without any requirement for land use permitting. Medical marijuana Home Production does not include a medical marijuana cultivation and processing facility. For the purposes of the Schedule of Uses, a "medical marijuana cultivation and processing facility" is a facility used for cultivating, processing, testing, and/or storing of medical marijuana plants and medical marijuana products by a medical marijuana caregiver or group of medical marijuana caregivers which is not their primary year-round residence or their patient's primary year-round residence. Multiple caregivers may operate on a single parcel if that parcel constitutes the medical marijuana caregiver's primary year-round residence. For the purpose of this use, marijuana shall have the same definition as set forth in 18-691, Ch 2 of the Code of Maine Rules, as amended, and caregiver shall have the same definition as set forth in the Maine Medical Use of Marijuana Act, as amended.
67. Medical Marijuana Home Production as an accessory use does not authorize any residential uses that are otherwise prohibited according to the Schedule of Uses. Medical Marijuana Home Production as an accessory use is allowed in conjunction with any lawfully existing nonconforming residential use, provided all applicable ordinance, statutes, regulations, and other laws are complied with.

68. No adult-use marijuana establishment shall be located within the distance listed below of the property line upon which the Establishment is located and the property line of the uses listed below, which is or are in existence when an application for an Adult-Use Marijuana Establishment is made. For the purposes of this section, a preexisting facility, residence, clinic, or establishment shall also include any pending application (ie: that has received at least one substantive review by the City of Brewer reviewing authority):
    a. Five hundred (500) feet of a preexisting public or private school,
    b. Five hundred (500) feet of a preexisting licensed daycare facility,
    c. Five hundred (500) feet of a preexisting methadone clinic,
    d. One hundred (100) feet of a preexisting private residence,
    e. Five hundred (500) feet of a preexisting Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility.
    f. Five hundred (500) feet of a preexisting Medical Marijuana Cultivation and Processing Facility,
    g. Five hundred (500) feet of a preexisting Adult-Use Marijuana Establishment.

69. Reference is made to Article 4, Section 419 Multi-Family Dwellings in LDR District; Article 4, Section 443 Affordable Housing Developments in Multi-Family Zoning Districts; and Article 9, Section 906 Standards For Streets. (#63)

70. Effective as of January 1, 2024, a dwelling unit allowance may be provided in accordance with M.R.S. Title 30-A §4364-A meeting the following standards and requirements: (Note: §4364-A may not be construed to interfere with, abrogate, or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided under this section as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine) (#63)

a. For any area in which residential uses are allowed, including as a conditional use, up to two (2) dwelling units may be allowed on a lot that does not contain an existing dwelling unit with the exception that up to four (4) dwelling units may be allowed on a lot that does not contain an existing dwelling unit and which is located in a designated growth area per the City of Brewer's current adopted Comprehensive Plan. It shall be prohibited to demolish a dwelling unit in existence after January 1, 2024 for the purposes of meeting the provisions of M.R.S. Title 30-A §4364-A. Further, for the purposes of this section, a person may not demolish a dwelling unit in existence on or after September 1, 2023 through January 1, 2024 for the purposes of meeting the provisions of 30-A M.R.S. §4364-A. If dwelling units are demolished and the demolition results in an empty lot, there can be no increase in the number of units above what existed on the lot prior to demolition. (Note: "Residential uses" as defined under this section may include single-

family, multi-family housing, condominiums, time-share units, and apartments and does not include dormitories, congregate living facilities, campgrounds, campsites, hotels, motels, beds and breakfasts, or other types of lodging accommodations, and transient housing or short-term rentals);

b. If a lot already contains one (1) existing dwelling unit, the addition of up to two (2) additional dwelling units may be allowed as follows:

One (1) within the existing structure or attached to the existing structure; One (1) detached from the existing structure; or One (1) of each;

c. If a lot contains two (2) existing dwelling units, no additional dwelling units are allowed;

d. If more than one (1) dwelling unit has been constructed on a lot as a result of this allowance in accordance with M.R.S. Title 30-A §4364-A, the lot is not eligible for any additional units or increases in density;

e. Dimensional requirements per Section 307 of this Land Use Code shall apply and off-street parking is required in accordance with Land Use Code Section 424;

f. The property owner shall provide written verification that each proposed dwelling unit is to be connected to adequate water and wastewater services to include: proof of water and sewer payment; proof of adequate service to support additional wastewater flow created by the dwelling unit; proof of adequate service to support additional water flow created by the dwelling unit including the volume and supply of water required; proof of adequate sewage disposal for subsurface wastewater to include plans for subsurface wastewater disposal prepared by a site evaluator licensed by the State of Maine in accordance with 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules which must be verified as adequate by the City of Brewer plumbing inspector pursuant to 30-A M.R.S. §4221; and proof of access to potable water as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine Department of Health and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82 along with any test of an existing or proposed well which must indicate that the water supply is potable and acceptable for use;

g. Dwelling units must comply with shoreland zoning requirements by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances along with any overlay protection district requirements;

h. Dwelling units must comply with all permitting, subdivision and/or site plan requirements and all applicable Codes and Ordinances of the City of Brewer.

71. Hosted Short-Term Rentals only in accordance with Article 4 Section 444. See also Chapter 20 Licenses and Permits. (#65)

72. Non-Hosted Short-Term Rentals only in accordance with Article 4 Section 444. See also Chapter 20 Licenses and Permits. (#65)

73. Data centers only in accordance with Article 4 Section 446. All Tier 1, 2, and 3 Data Centers shall be supplied by off-lot water. See also Chapter 20 Licenses and Permits. All Tier 2 and 3 Data Centers shall require major site plan review and approval by the Brewer Planning Board. (#80)

74. Residential uses/rooms are not allowed or permitted on ground floors or first floors (ie. the first floor facing the street or the Brewer Riverwalk) for buildings which are newly constructed after August 16, 2026. This section does not apply to buildings which are solely residential in use. (#85)

307 DIMENSIONAL REQUIREMENTS (#31)

307.1 SCHEDULE OF DIMENSIONAL REQUIREMENTS (#57) (#85)

All parcels of land, structures and uses shall meet or exceed the following minimum dimensional requirements. Non-conforming parcels of land cannot be created unless otherwise indicated in this ordinance. Letters adjacent to some dimensional requirements refer to notes at the end of the schedule which contain additional requirements. "N/A" shall mean "Not Allowed". (#70)

	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD	WTR
1. Minimum Lot Area (square feet)														
Off-lot sewer and water	60,000	40,000	15,000	7,000	7,000	15,000	2,000	40,000	30,000	40,000	7,000	20,000	1,500	2,000
On-lot sewer, public water	70,000	50,000	30,000	30,000	N/A	N/A	N/A	N/A	80,000	80,000	N/A	N/A	N/A	N/A
On-lot sewer and water	120,000	60,000	40,000	40,000	N/A	N/A	N/A	N/A	200,000	200,000	N/A	N/A	N/A	N/A
2. Minimum area/Family (square feet)														
Off-lot sewer and water	60,000	40,000	15,000-C	7,000	3,900	15,000-H	P	N/A	N/A	N/A	3,900	N/A	V	V
On-lot sewer, public water	70,000	50,000	30,000	30,000	N/A	N/A	P	N/A	N/A	N/A	N/A	N/A	N/A	N/A
On-lot sewer and water	120,000	60,000	40,000	40,000	N/A	N/A	P	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3. Minimum Lot Frontage (feet)														
Off-lot sewer and water	200	150	100	75	50	100	25-P	200	150	200	100-J	150	25	35
On-lot sewer, public water	200	150	125	125	N/A	N/A	N/A	N/A	200	200	N/A	N/A	N/A	N/A
On-lot sewer and water	200	150	150	150	N/A	N/A	N/A	N/A	400	400	N/A	N/A	N/A	N/A
4. Minimum Depth Frontage (feet) (#25) (#79)	40-A	40-A	30-A	30-A	15-A	30-A	20-A	50-F,E	20-E	30-E	15-A	50-F,E	0'	5
5. Minimum Width Side Yard (feet) (#9)	25' Q-25'	20'-B Q-20'	15' Q-5'	15' Q-5'	5' Q-5'	15' Q-5'	5'-L,P Q-5'	20' Q-5'	G' Q-20'	20' Q-20'	15'K Q-5'	20' S Q-20'	0'-T	5'

6. Minimum Width Rear Yard (feet) (#9)	35' R-35'	35' R-35'	25' R-5'	25' R-5'	30' R-5'	25'-I R-5'	20' R-5'	30' R-5'	20' R-20'	20' R-20'	25' R-5'	30' S R-15'	0'-T	25'
7. Maximum Building or Structure Coverage Percentage (#21)	15	33 1/3	33 1/3	33 1/3	33 1/3	33 1/3	50	50	50	50	50	50	100-T	100 T
8. Maximum Building Height (feet) (#79)	35-M,N	35-M,N	35-M,N	35-M,N	35-M,N	65-N,P	65-N,P	65-N	70-N	70-N	35-M,N	90-M,N	65-T,U	65' T,W

Footnotes to Dimensional Requirements

A. Reference may be had to Section 436.6 of this Land Use Code. (#25) (#79)
B. Buildings or structures more than twenty (20) feet from ground level in height shall be set back one (1) foot additional for each additional foot in height.
C. 7,000 for publicly assisted housing for the elderly, subject to the Site Plan Review.
D. Plus 700 gross floor area above grade of principle structure per family.
E. References may be had to Section 436.6 of this Land Use Code. (#25)
F. 75 feet on Wilson Street from Vista Way easterly to the Holden town line, and 25 feet along Dirigo Drive. (#25) (#79)
G. A total of forty (40) feet with one (1) a minimum of ten (10) feet.
H. Additional dwelling units in the same building: add 3,000 square feet per unit plus 1,000 square feet per separate bedroom.
I. Plus five (5) feet for each family over one (1).
J. Fifty (50) feet for residential use.
K. Five (5) feet for residential use.
L. May be reduced to zero with Firewall Separation.
M. Spires, belfries, cupolas, antennae, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy shall not exceed forty-five (45) feet above average ground level unless they are set back from front, rear and side lot lines one (1) additional foot to the required setback for each foot of excess height.
N. Free standing structures not intended for human occupancy which are permitted uses and subject to Site Plan Review may exceed the stated height limitation, provided that for each additional linear foot in height, there is one (1) linear foot setback from adjacent property and street lines added to the required setback. Whenever Federal, State, or City regulations impose a limitation on maximum height of such structures, whichever standard between City, State, or Federal regulations is stricter shall govern. Notwithstanding the above, all structures shall be subject to City of Brewer adopted Codes and ordinances and may be subject to additional standards, codes, or requirements specified in other sections of City of Brewer adopted ordinances. (#79)

O. The Code Enforcement Officer may authorize a height in excess of sixty-five (65) feet, provided that for each additional linear foot in height, there is one (1) linear foot setback from adjacent property and street lines added to that required setback.

P. Lot and Yard Requirements for Dwellings:

1. Minimum Lot Area (sq. ft.) A lot equal to the area needed for the dwelling units, driveways, parking spaces, accessory buildings, minimum yard requirements, maximum lot coverage, and six hundred (600) square feet of open space for the first dwelling unit and an additional two hundred (200) square feet of open space for each additional dwelling unit.
2. Minimum Lot Frontage 50 feet.
3. Minimum Depth Front Yard 20 feet.
4. Minimum Width Side Yard 3 feet.
5. Minimum Depth Rear Yard 20 feet.
6. Maximum Building or Structure coverage 50 %.

Q. Side Line Setbacks for detached accessory structures. (Garages, sheds, swimming pools, free standing decks, gazebos, etc.)

R. Rear Line Setbacks for detached accessory structures. (Garages, sheds, swimming pools, free standing decks, gazebos, etc.)

S. For planned group developments may be reduced to zero with fire separation, as provided under the codes and ordinances of the City of Brewer. (#9)

T. Requires fire separation between buildings and all buildings above two stories are required to be sprinkled. (#31)

U. Buildings must be a minimum of two stories in height. (#31)

V. All dwelling units must contain a minimum of 500 square feet each. (#31)

W. Buildings which are newly constructed or substantially altered after August 16, 2026 must be a minimum of 24’ in height. (#85)

307.2 ACCESSORY STRUCTURES

Accessory structures shall have the same front yard setback as the primary structure. Side yards and rear yards shall have a minimum setback of five feet, except the setback can be reduced to zero in the CB Zone, if there is a fire wall separation.

307.3 ACCESSORY USES

1. Accessory uses, other than sidewalks, walkways, driveways, outdoor parking lots, and their attendant paving, shall have the same front yard setback as the primary structure. Side yards and rear yards shall have a minimum setback of five feet, except the setback can be reduced to zero in the CB Zone, if there is a fire wall separation.

2. Outdoor parking lots shall have minimum depth frontages of not less than one half of the minimum depth frontages required for the principal structure on the lot. There shall be no setback requirements for sidewalks, walkways, driveways, and their attendant paving.

307.4 USE OF LAND ADJACENT TO INTERSECTIONS OF PUBLIC STREET CORNERS (#70)

The following provisions shall apply to the area land adjacent to intersections of public street corners:

1. The location of regulated private land adjacent to public street corners shall be determined and the same as that described in the planting setbacks contained in Article 4 Section 426 of this Land Use Code.

2. All regulations contained in Article 4 Section 426 of this Land Use Code shall apply.

3. No structure, trees, or plantings shall be allowed within said area described in Section 307.4 above.

4. The provisions of this standard shall apply prospectively from the effective date of this Land Use Code.

5. The Code Enforcement Officer shall order the removal of any structure; tree or planting that interferes with or obstructs sight distance.

6. City signs and utilities shall be exempt from the provisions of this standard.

308. SHORELAND ZONING PROTECTION DISTRICT

308.1 PURPOSE

The purposes of this district are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land use; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

The Shoreland Zoning Protection District encompasses three sub-districts:

1. The Resource Protection District
2. The Stream Protection District
3. The Overlay Protection District

308.2 APPLICABILITY

The Shoreland Zoning Protection (S.Z.P.) District shall apply to all land areas within 250 feet, horizontal distance, of the normal high-water line of the Penobscot River; within 250 feet, horizontal distance, of the upland edge of a state designated coastal or freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a qualifying stream. It also applies to any structure built on or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland.

308.3 RESOURCE PROTECTION DISTRICT

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetland associated with great ponds and rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973.
2. Flood Plains along the Penobscot River are designated by the National Flood Insurance Program, map number 2301040005B, and as may be amended by letters of map amendments (LOMA) and letter of map revisions (LOMR), except areas that were developed as of December, 1991.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Land areas along the river subject to severe bank erosion or undercutting.

5. Properties currently listed in the National Register of Historic Places.
6. "Class C" focal points for wintering bald eagles.
7. Natural sites of significant scenic value.

308.4 STREAM PROTECTION DISTRICT

The Stream Protection District (S.P.) includes all land areas within 85 feet, horizontal distance, of the normal high-water line of Eaton Brook, Felts Brook, and 75 feet, horizontal distance, of the normal high-water line of Sedgeunkedunk Stream, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of the Penobscot River or within 250 feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area is located within 250 feet, horizontal distance, of the above water bodies or wetlands, that land shall be regulated under the terms of the shoreland district associated with that water body or wetland.

308.5 THE OVERLAY PROTECTION (O.P.) DISTRICT

This district includes all areas of the Shoreland Zoning Protection District, exclusive of the Resource Protection District and the Stream Protection District.

308.6 PERMITTED USES (#7)

All uses allowed in the Shoreland Zoning Protection District are subject to review and approval by the City of Brewer Code Enforcement Officer for compliance with this and other City of Brewer Codes. No building permits will be issued until all approvals from any required State or Federal agencies are obtained. Additional municipal review is required for certain uses as noted below.

Exception from Site Plan approval (Article 6) residential accessory uses of less than 600 square feet of ground coverage and residential expansions of less than 50% of the volume which existed as of September 15, 1995.

1. PERMITTED USES: RESOURCE PROTECTION DISTRICT

   A. Filling and earthmoving. Review and approval shall also follow Article 4, Section 413 of this ordinance. (#7)
   B. Soil & Water Conservation Practices
   C. Forest Management and Landscaping
   D. Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland. Review and approval shall also follow Article 6, Site Plan Review of this ordinance. (#7)
   E. Small non-residential facilities for educational, scientific, or nature interpretation purposes. Review and approval shall also follow Article 6, Site Plan Review of this ordinance. (#7)

F. Public and private recreational areas involving minimal structural development. Review and approval shall also follow Article 6, Site Plan Review of this ordinance. (#7)
G. Parking and/or signs as accessory to allowed uses
H. Driveways: Upon a finding by the Planning Board that no reasonable location is available outside the district, in which case the driveway shall be set back as far as practicable from the normal high-water line or upland edge of a wetland.

All other uses are expressly forbidden.

2. PERMITTED USES: STREAM PROTECTION DISTRICT

A. Filling and earthmoving. Review and approval shall also follow Article 4, Section 413 of this ordinance. (#7)
B. Soil & Water Conservation Practices
C. Forest management activities
D. Road and driveway construction
E. Single and two family residential if a setback variance from the Board of Appeals is granted. Review and approval shall also follow Article 6, Site Plan Review of this ordinance. (#7)
F. Agriculture within Low Density Residential (LDR) and Rural districts only; no manure storage, nor stockpiling allowed in districts; new livestock grazing and tilling within fifty (50) feet horizontal distance of normal high water mark of stream is not permitted; existing grazing activities (as of December, 1991) closer than 25 feet may continue, providing that such grazing is in accordance with a Soil & Water Conservation Plan which is filed within the Planning Board.
G. Electric transmission lines and gas pipelines, which are not within three thousand (3000) feet of the high water mark of the Penobscot River, (not including transmitter, communication, radio and television towers). (#7)

All other uses are expressly forbidden.

3. PERMITTED USES: OVERLAY PROTECTION DISTRICT

Any use permitted in the district which this district overlays, provided such use meets the requirements of the district which this district overlays and the requirements of Article 4.

Additional Permitted Uses in the Overlay Protection District. (#7)

A. Piers, wharfs and docks. Review and approval shall also follow Article 6 Site Plan Review of this Ordinance. (#7)
B. Marine railways. Review and approval shall also follow Article 6 Site Plan Review of this Ordinance. (#7)

C. Marinas. Review and approval shall also follow Article 6 Site Plan Review of this Ordinance. (#7)
D. Marine ramp
E. Electric transmission lines and gas pipelines, which are not within three thousand (3000) feet of the high water mark of the Penobscot River, (not including transmitter, communication, radio and television towers). (#7)

308.7 LOT AND YARD REQUIREMENTS:

1. RESOURCE PROTECTION DISTRICT

A. Minimum lot size for recreational facilities with structures 40,000 square feet
B. Minimum shore frontage for recreation facilities with structures 200 feet.

2. STREAM PROTECTION DISTRICT
The Stream Protection District provides for a minimum 75 foot setback from the high water mark of the stream.

3. OVERLAY PROTECTION DISTRICT
Requirements are the same as those for the district which this district overlays.

308.8 SHORELAND STANDARDS

1. SHORELAND SETBACKS

Any building or structure, except those requiring direct access to the water as an operational necessity and which may be classified as a pier, wharf, dock, marine railway, marine ramp and marina, shall be set back at least either A. or B. below, as applies from the normal high water mark of the Penobscot River or upland edge of the wetland as follows:

A. seventy-five (75) feet in residential zoning districts
B. fifty (50) feet in commercial zoning districts
C. twenty-five (25) feet in mixed-use zoning districts (#85)

2. HARVESTING OF VEGETATION

No growth of any kind, except grass, shall be cut or harvested within 75 feet of any normal high water mark in all other areas along said Penobscot River, other than (a) to provide road use to the water front, but the entire cutting shall not be wider than 50 feet in width, as measured along the shoreline of said river; (b) to provide for a pier, wharf, dock, marine railway, marine ramp and marina, but the entire cutting shall not be more than 50 feet in width as measured along the shoreline of said river; and (c) to provide for forest management and landscaping, as the same may be approved by the Planning Board.

3. EROSION CONTROL

   No use of land in the Shoreland Zoning Protection District shall be made which in any way will allow soil, rocks, liquids or other material to enter the water abutting the land other than that which is necessary for the construction and maintenance of a pier, wharf, dock, marine railway, marine ramp and marina and which affects the quality of the water adjacent to the land. All activities which involve filling, grading, excavation or other activities which result in unstabilizing soil conditions shall require an erosion and sediment control plan following the provisions of Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, March 1991 edition.

4. ELEVATION OF STRUCTURES

   The first floor elevation of any building or structure which is not a pier, wharf, dock, marine railway, marine ramp and marina, shall be built not less than one (1) foot above the 100 year flood plain of record. The top of any foundation or the bottom of any opening in foundation shall not be built less than one (1) foot above the 100 year flood plain of record.

5. PIERS, DOCKS, ETC.

   Piers, docks, wharves and other structures and uses extending over or below normal high-water line shall conform to the following:

   A. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion and situation;

   B. The facility shall be no larger than necessary to carry on the activity and be consistent with existing conditions, use and character of the area;

   C. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high water line unless the structure requires direct access to the water as an operational necessity.

6. DEP PERMITS

   A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to Title 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, stream or brook and operates in such a manner that material or soil may be washed into them:

   A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;

B. Draining or otherwise dewatering;
C. Filling
D. Any construction or alteration of any permanent structure.

7. TIMBER HARVESTING

A. Within seventy-five (75) feet, horizontal distance, from any water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

1) There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffet strip is not created.

2) Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. Adjacent to water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25-foot square area per the following rating system:

Diameter of Tree at 4½ feet Above Ground Level (inches)	Points
2 - 4 inches	1
4 - 12 inches	2
12 inches	3

3) Pruning of tree branches, on the bottom of 1/3 of the tree is permitted.

4) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these opening shall be replanted with native tree species unless existing tree growth is present.

5) Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

6) NOTE: In any Resource Protection District the cutting of vegetation is limited to that which is necessary for use expressly authorized in that District (all uses permitted are subject to Site Plan Review, Article 6, of this Land Use Code).

B. At distances greater than 75 feet, horizontal distance, from the normal high water line of the Penobscot River or the upland edge of any designated wetland except for the development of permitted uses (which have obtained Site Plan Review approval), there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) per cent of the volume of trees four inches or more in diameter at breast height (d.b.h.=41/2). Tree removal in conjunction with the development of permitted uses shall be included in the forty percent calculation.

   In no event shall cleared openings for development, including but not limited to principal and accessory structures, and driveways, exceed the aggregate, twenty-five per cent (25%) of the lot area or ten thousand (10,000) square feet, whichever greater, including land previously developed. This provision shall not apply to the Convenience business (CB) or Industrial District (IND).

C. Cleared openings legally in existence as of December, 1991, may be maintained, but not enlarged, except as permitted.

D. Timber harvesting procedures shall conform to Section O "State of Maine Guidelines for Municipal Shoreland Zoning Ordinance" pp 23024, 06-096 Dept. of Environmental Protection, Chapter 1000. Effective date 3/24/90 as may be amended.

8. SOILS

   All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental projects including severe erosion, mass soil movement, improper drainage, and water pollution whether during or after construction. Site plan applications on proposed commercial and industrial project which would alter 20,000 square feet of land or more shall submit a soils report based on on-site investigation prepared by a State-certified professional. The report shall present evidence that all major limitations in the proposed development presented by soil characteristics will be overcome by proper engineering techniques.

9. PARKING AREAS

   Parking areas shall meet the setback requirements for the district in which such areas are located. Parking areas shall be buffered with a natural screen masking the parking area from the surrounding area. The screen shall consist of evergreen trees of a minimum size of three feet in height at time of planting with a mature size of at least five feet in height or a demonstrated equivalent approved by the Planning Board. Parking areas shall be designed to prevent stormwater from flowing directly into a water body.

309. MANUFACTURED HOUSING DISTRICT

309.1 PURPOSES (#2)

The purpose of this district is to provide for the setting of manufactured housing units within the context of the City's existing development patterns. It is designed to provide for integration of manufactured housing units in a variety of residential districts throughout the City, recognizing both the need for safe, decent economical housing which manufactured housing can provide and the established patterns of residential development within the City.

309.2 USES PERMITTED

The manufactured housing district consists of an overlay of the existing residential districts, either district-wide or as parts of districts. Where parts of districts are excluded as locations for manufactured housing the following criteria were employed, either singly or in combination:

1. Presence of established neighborhoods with roughly uniform housing styles with very few vacant lots.

2. Urban areas where existing vacant lots would not accommodate manufactured housing.

309.3 BASIC DESIGN CRITERIA

The provisions of these criteria are intended to apply to manufactured housing units (single section, multiple section or expanded types) for use as a single family dwelling. The following are excluded:

The criteria does not apply to manufactured housing used for other than dwelling purposes.

The provisions of this section shall not apply to trailers as defined in Article 14 of this Land Use Code.

This section shall not be construed as relieving the installers of a manufactured housing unit on the lot of the responsibility for compliance with the manufacturer's installation instructions, federal, state and local ordinances, codes, and regulations.

Basic design criteria for manufactured housing units within the Manufactured Housing District shall be as follows:

1. Only manufactured housing meeting the definitions of manufactured housing set forth in Article 14.

2. All manufactured housing units shall be placed on either a concrete slab or full foundation meeting Chapter 16 of the City of Brewer Charter, Codes and Ordinances entitled "Brewer Building Code" as the same may be amended from time to time.

   When a manufactured housing unit is installed on a basement or split entry type foundation over a habitable lower-level area, or when more than one-fourth of the area of the manufactured housing unit is installed so that the bottom of the main frame embers are more than 3 feet above ground level, the foundation system shall be designed by a registered professional engineer or architect (in conformity with the Maine Manufactured Housing Board Installation Standards as adopted by the Maine Manufactured Housing Board in March, 1993, and as the same may be amended from time to time).

   Any tongue or towing attachment on manufactured housing units shall be removed immediately upon the unit's placement on a foundation.

3. In order to meet the conventions of residential housing as practiced in the City, exterior siding shall consist of one or more of the following:
   A. Clapboards in wood, metal or vinyl
   B. Shingles
   C. Brick

4. Manufactured housing units shall have a minimum roof pitch of 3/12 (about 14 degrees) with a shingle or shingle-like (traditional "standing seam" metal roof) exterior.

5. Manufactured housing units shall be sited with its long axis substantially parallel with the front lot line. Substantially parallel shall include an angle from 0 to 35 degrees.

6. The minimum horizontal dimension of manufactured housing units shall be 14 feet.

7. No person, firm, corporation or other legal entity shall locate, or move from one lot or parcel of land to another, an older mobile home, trailer, or manufactured housing unit which fails to meet the requirements of number 1 through 6, above.

8. Older mobile homes and trailers, and manufactured housing units which fail to meet the standards set forth in numbers 1 through 6 above, which were lawfully established prior to the effective date of this zoning amendment, shall be considered non-conforming structures and may continue and may be maintained, repaired, and improved but not expanded or added onto. No non-conforming mobile home or trailer may be moved to another non-conforming structure but

shall be replaced by a manufactured housing unit that meets the requirements of this Article.

9. Manufactured housing units shall be landscaped in keeping with neighborhood standards (structures within 400 feet of the proposed housing site). At a minimum landscaping shall include at least six evergreen shrubs closely proximate to the foundation which are oriented toward the public way so as to provide a softened, natural complement to the housing unit. Such trees shall be a minimum of three feet tall at the time of planting and shall be maintained at a minimum of three feet thereafter. Establishment of permanent vegetative cover on exposed soils where perennial vegetation is needed for long term protection shall be provided. Landscape materials are specified as number 1 grade as determined by the American Association of Nurserymen. Landscape materials shall be maintained and dead plant material replaced within one year or by the next planting season, whatever occurs first.

10. All fill used for the foundation system of the manufactured housing unit shall be compacted. Grading around the manufactured housing unit shall be done in such a manner that water will drain from the unit at a slope of 6 inches vertical for every 12 feet horizontal (unless otherwise determined by a site plan review by the Brewer Planning Board). The grading shall not cause an increase of water flow or run-off onto abutting properties. The City may require ditching or some other type of watershed system.

11. All manufactured housing units which contain less than 1,500 square feet shall have on the same lot an accessory building containing at least 96 square feet (i.e. 8 feet x 12 feet) with like exterior siding.

12. All manufactured housing units shall have skirting as provided by the manufacturer of the manufactured housing unit. Skirting shall be installed in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heaves. Access opening(s) not less than 18 inches in any dimension and not less than 3 square feet in area shall be provided and shall be located so that any water supply and sewer drain connections located under the manufactured home are accessible for inspection. Such access panel(s) or door(s) shall not be fastened in a manner requiring the use of a special tool to remove or open same.

13. Manufactured housing units shall be installed with an anchoring system designed and constructed to resist sliding and overturning of the unit.

14. Masonry piers shall be constructed at all locations of support under any manufactured housing unit with a steel frame.

The Overlay District is depicted on an addendum to the official zoning map of the City of Brewer and is a part of the Brewer Zoning Ordinance.

Manufactured housing units are also allowed in mobile home parks under the provisions of Article 10 of this Land Use Code (Mobile Home Parks).

Notwithstanding any of the foregoing, modular homes that meet construction standards for State certified manufactured homes pursuant to Title 10, M.R.S.A. §9042 are allowed in all zones where single-family dwellings are permitted.

309.4 LOT AND YARD REQUIREMENTS

Lot and yard requirements are the same as those which this district overlay; e.g. the manufactured housing district overlaying the LDR District shall have lot and yard requirements as found in the LDR District.