

TOWN OF GRAY, MAINE

PROPOSED AMENDMENTS TO THE GRAY ZONING ORDINANCE

REPLACEMENT OF THE VILLAGE AQUIFER PROTECTION DISTRICT WITH THE

VILLAGE CENTER AND VILLAGE CENTER PROPER DISTRICTS

First Reading by Town Council	December 4, 2007 (Scheduled)
Review by Ordinance Review Committee	December 6, 2007 (Scheduled)
Review by Gray Water District	November 26, 2007 (Scheduled)
Public Hearing by Planning Board	December 13, 2007 (Scheduled)
Public Hearing by Town Council	December 18, 2007 (Scheduled)
Second Reading by Town Council	December 18, 2007 (Scheduled)
Vote by Town Council	December 18, 2007 (Scheduled)
Effective Date	January 18, 2008 (Anticipated)

The Town of Gray hereby ordains that the Gray Zoning Ordinance be amended as follows:

Note: In all sections of these ordinance amendments, new language is indicated by underlined text, and language to be removed is indicated by ~~strike through text~~.

Section 1. Amend Section 402.15.1 of the Gray Zoning Ordinance by deleting “VAP” from the list of zoning districts where accessory apartments are allowed and by adding “VC” and “VCP” to the list as follows:

SECTION 402.15.1 – ACCESSORY APARTMENTS:

Accessory apartments are permitted as a Site Plan use in the RRA, ~~VAP~~, VC, VCP, LD and MD districts, subject to Planning Board approval and in the BD district subject to the approval of the Code Enforcement Officer, and adherence to the following standards:

Section 2. Amend Section 402.16 of the Gray Zoning Ordinance by deleting “Village Aquifer Protection” and by adding “Village Center” and “Village Center Proper” to the list of districts created by the Ordinance as follows and by renumbering the list:

SECTION 402.16 – [Amended 09-18-07] ZONING DISTRICT:

For the purpose of this Ordinance, the Town of Gray is hereby divided into One (1) Overlay Zones and ~~nine (9)~~ eleven (11) Districts:

Overlay District/Districts created by the Zoning Ordinance:

- | | |
|--|------------------|
| 1. Business Development | “BD” |
| 2. Medium Density | “MD” |
| 3. Rural Residential & Agriculture | “RRA” |
| 4. Village Aquifer Protection | “VAP” |
| 4. Commercial | “C” |
| 5. Mobile Home Park Overlay* | “MHP” |

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6. Wellhead Protection 1	“WH1”
7. Wellhead Protection 2	“WH2”
8. Lake District	“LD”
9. Business Transitional 1	“BT-1”
10. Business Transitional 2	“BT-2”
11. Village Center	“VC”
12. Village Center Proper	“VCP”

Section 3. Amend the Gray Zoning Map by deleting the Village Aquifer Protection District and by adding a new Village Center District and Village Center Proper District as shown on the attached Exhibit A.

See Attachment

Section 4. Amend the Gray Zoning Ordinance by deleting the current Section 402.26 Village Aquifer Protection District in its entirety and by adding a new Section 402.26 to read as follows.

SECTION 402.26 – VILLAGE CENTER DISTRICT “VC” AND VILLAGE CENTER PROPER DISTRICT “VCP”:

A. Purpose:

The purpose of the Village Center District and the Village Center Proper District, which is contained within the Village Center District, is to provide services and shopping opportunities to the residents of the community, and to visitors, in a pleasant, village type, shopping environment. While this District may have retail, office, or restaurant uses which have a drive-through facility, such development shall be subject to site plan review by the Planning Board to reduce strip development.

B. Permitted Uses:

The following uses or activities are allowed in the Village Center District : *

1. Accessory Apartment
2. Accessory Uses and Structures
3. Bed and Breakfast
4. Day Care Facilities
5. Essential Operations of the Water District
6. Farm Stands (Subject to the provisions of Article V, Section 402.28-7)
7. Flea Market, Open Air Market
8. Garage Sale
9. Home Occupations
10. Light Repair Service

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11. Medical Facility
12. Mineral Exploration
13. Mobile Vendor (Subject to the provisions of Chapter 212)
14. New or Expanded Subsurface Wastewater Systems
15. Office
16. Places for Public Assembly, Indoor and Outdoor
17. Retail Trade
18. Single-Family Dwelling
19. Storage of gasoline / petroleum less than fifty (50) gallons
20. Two-Family Dwelling
21. Wholesale Trade

* Some allowed uses may require Planning Board approval for Site Plan Review in accordance with Section 402.19.A&B of the Zoning Ordinance and Hazardous Material review i.a.w. Chapter 204 of the Hazardous Material Control Ordinance.

C. Allowed Uses Requiring Site Plan Review:

Site Plan Review by the Planning Board is required for the following uses or activities that are allowed in the Village Center District:

1. Cemetery
2. Church or Other Religious Institution
3. Commercial Recreation - Indoor or Outdoor
4. Drinking Establishment
5. Expansion of Non-Conforming Uses
6. Multiple Family Dwelling
7. Municipal Uses
8. Personal Services
9. Planned Unit Development
10. Public Utilities
11. Research Facility
12. School

D. Prohibited Uses or Activities

Any uses or activities that are not in keeping with the purpose of the Village Center District are prohibited. Uses or activities that are considered to be, or are likely to be, not in keeping with the purpose of the Village Center District include, but are not limited to, the following :

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1. Adult Business
2. Airport
3. Animal Husbandry
4. Auto Body Shop
5. Auto Repair Garage
6. Auto Service Station
7. Campground
8. Cluster Housing
9. Commercial Water Production Wells
10. Commercial Wastewater to Septic Systems
11. Construction Services
12. Drive Through and Drive in Facility
13. Fertilizer Application with best practices
14. Fertilizer Dealer
15. General Agriculture
16. Headquarters for a Contracting Business
17. Heliport
18. Hotel and Motel
19. Light Manufacturing
20. Manufacturing and Processing
21. Mechanical Repair Garage
22. Mineral Excavation
23. Mini-warehousing
24. Nursing and Convalescent Home
25. Pesticide Application with best practices
26. Redemption Center
27. Storage of Solid or Liquid Leachable Wastes
28. Timber Harvesting
29. Trucking Terminal
30. Warehousing

Any uses or activities that are considered to be, or are likely to be, detrimental to health and safety are expressly prohibited. Uses or activities that are considered to be or are likely to be detrimental to health and safety include, but are not limited to, the following :

31. Disposal of sludge, solid wastes, and leachable wastes (except subsurface disposal of domestic sewage).
32. Storage of leachable wastes or solid wastes.
33. Mining or Excavation in excess of ten (10) cubic yards other than excavation for allowed uses or approved special exceptions.
34. Large and medium Concentrated Animal Feed Operations (CAFOs) as defined by the U.S. Environmental Protection Agency (EPA) under the Clean Water Act (CWA) as amended from time to time.

35. Manure application to land other than in accordance with an approved State of Maine Nutrient Management Plan.
36. Application of sludge to land.
37. For any proposed use or activity, not specifically listed above, considered by either the Code Enforcement Officer or the Planning Board as likely to be detrimental to health and safety, the proponent of the proposed use or activity shall have the burden of proving to the Planning Board that the use or activity will not be detrimental.

E. Underground Tanks

All underground tanks in the Village Center District, except residential septic tanks, shall be in full compliance with applicable Department of Environmental Protection regulations.

F. Existing Buildings and Structures

Existing buildings or other structures in the Village Center District are allowed to be rebuilt or to be replaced with new construction provided that the existing “footprint” is not exceeded with the exceptions of Sections H and I below.

1. The owner of a building or structure in the Village Center District that is destroyed or damaged by any means beyond the control of the owner shall have the option of rebuilding or restoring the building or structure either on the same “footprint” or in accordance with the space standards of Section H below within a period of three (3) years from the date of destruction or damage. The Code Enforcement Officer may issue a permit for one additional one (1) year period if reasonable progress is being made and if nuisance conditions do not exist.
2. A building or structure in the Village Center District may be voluntarily replaced provided that the existing “footprint” is not exceeded. The construction of the replacement building or structure must be completed in accordance with a building permit drawn within one (1) year of the demolition of the prior building or structure and construction must be completed within a period of three (3) years from the date of the building permit. The building permit shall expire if the work or change involved is not commenced within one (1) year of the date on which the permit is issued, and if the work or change is not substantially completed within three (3) years. The Code Enforcement Officer may issue a permit for one additional one (1) year period if reasonable progress is being made and if nuisance conditions do not exist. Before a building or structure is voluntarily replaced to the existing “footprint” under this paragraph, the owner must provide the Code Enforcement Officer with a Class D survey, conducted before demolition of the building or structure showing its exact location on the lot unless the replacement building or structure is proposed to be in accordance with the space standards of Section H below.

G. New Construction Space Standards

For the condition where there is not any existing building or other structure to determine an existing “footprint” on a lot or where the existing “footprint” is less than is allowed by the space standards

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listed below, new construction in the Village Center District shall be in accordance with the following space standards:

1. Minimum lot size: twenty-thousand (20,000) square feet (except for non-conforming lots of record)
2. Minimum Frontage: forty (40) feet (except for non-conforming lots of record)
3. Maximum Building Height: thirty five (35) feet
4. Minimum Setback :
 - Front: ten (10) feet
 - Side: zero (0) feet
 - Rear: ten (10) feet
5. Min. land area per dwelling unit: ten-thousand (10,000) square feet
6. Max. impervious surfaces: seventy-five (75) percent

For the condition where there is not any existing building or other structure to determine an existing “footprint” on a lot or where the existing “footprint” is less than is allowed by the space standards listed below, new construction in the Village Center Proper District shall be in accordance with the following space standards:

7. Minimum Lot Size : twenty-thousand (20,000) square feet (except for non-conforming lots of record)
8. Minimum Frontage : forty (40) feet (except for non-conforming lots of record)
9. Maximum Building Height : thirty-five (35) feet
10. Minimum Setback :
 - Front : zero (0) feet
 - Side : zero (0) feet
 - Rear : zero (0) feet
11. Min. land area per dwelling unit : ten-thousand (10,000) square feet
12. Max. impervious surfaces : seventy-five (75) percent

H. Expiration of Permits

A Site Plan permit, for property in the Village Center District, secured under the provisions of this Ordinance by vote of the Planning Board shall expire if the work or change involved is not commenced within one (1) year of the date on which the Site Plan is authorized, and if the work or change is not substantially completed within three (3) years. The Code Enforcement Officer may issue a permit for one additional one (1) year period if reasonable progress is being made and if nuisance conditions do not exist.

I. Special Performance Standards:

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In addition to the applicable performance standards in Section 402.28 of the Zoning Ordinance, the following standards apply in the Village Center District to those uses requiring site plan review by the Planning Board:

1. All development shall conform to the Town's Village Center District Design Guidelines, adopted _____, 2007.

Section 5. Amend the Gray Zoning Ordinance by amending Section 404.29, subsection 9 District Regulations by deleting the VAP from the list of districts where gravel pits are prohibited and by adding the VC and VCP districts as follows:

Section 9 District Regulations

9.1 Excavation and earth-moving activities requiring a permit in accordance with Section 6 of this Ordinance shall be considered allowed uses in the RRA, BD, MD, C, ~~AOZ~~, LD, and MH Zoning Districts. [Note: The AOZ was repealed on 9-18-07]

9.2 Excavation and earth-moving activities which require a permit but which were not in operation as of July 4, 1985 shall be prohibited in the ~~VAP~~, VC, VCP, WH-1, WH-2, and BT-2 Zoning Districts.