

§ 280-11-2 **Rural Residential Zone (RR).**

A. Purpose. The purpose of the Rural Residential (RR) Zone is to provide areas in the City which promote high-quality rural residential environments in sections of the community which cannot be served by public water and sewerage systems, while maintaining the rural character of these areas.

B. Permitted uses.

- (1) Uses shown on the Table of Land Uses as being permitted uses shall be permitted by right in the RR Zone.
- (2) Those parcels listed below are considered nonconforming lots of record at the time they were rezoned in 2006 from Residential Development and may be built upon, without the need for a variance, with a single-family detached dwelling, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership and that all provisions of the Residential Development Zone can be met.

Parcels Rezoned Residential Development to Rural Residential February 2006 Considered Preexisting Nonconforming

R8-3	G17-1	G17-3	R8-35B	G17-2
H17-3	R8-30	G17-4	H17-4	G17-8
G17-7	H17-5	R8-6A	G17-6	R8-28
R6-69C	R8-5B	R6-69	R8-5F	R6-69D
H18-11	R8-7	R8-5D	R11-55C	R11-90
R11-55B	R6-56	R8-72C	R8-72D	R8-8

C. Uses permitted with site plan review.

- (1) Uses shown on the Table of Land Uses as being permitted with site plan review in the RR Zone shall be allowed, but only upon the receipt of approval of a development plan in accordance with the provisions of Article **XVI**.
- (2) Notwithstanding the provisions of the Table of Land Uses, any single-family home lawfully in existence as of the date of adoption of this provision that was constructed prior to 1945 and that contains a total gross floor area above ground of at least 1,800 square feet may be converted to a two-family dwelling, provided that it complies with the following:
 - (a) A development plan for the conversion is approved in accordance with the provisions of Article **XVI**;
 - (b) The gross floor area of the building is not increased; and
 - (c) Parking is provided in accordance with the provisions of this chapter.

D. Conditional uses. Uses shown on the Table of Land Uses as being conditional uses in the RR Zone shall be

allowed only if a conditional use permit for that use is approved by the Planning Board in accordance with the provisions of Article **XIII** and **XVI**.

- E. Prohibited uses. Any use not listed as a permitted use, a use permitted with site plan review or a conditional use in the RR Zone shall be prohibited within the RR Zone.
- F. Standards. All buildings and structures shall be erected, structurally altered, enlarged, or moved and all land within the RR Zone shall be used in accordance with the following standards:
 - (1) Space and bulk standards.
 - (a) Maximum net residential density: one dwelling unit per two net acres.
 - (b) Minimum lot size: see § 280-11-2F(2)(e).
 - (c) Minimum lot area per dwelling unit: see § 280-11-2F(2)(e).
 - (d) Minimum street frontage:
 - [1] Arterial or collector in designated resource conservation areas: 300 feet.
 - [a] Route 11A from Hanson Ridge Road to Harry Howes Road.
 - [b] The Hanson Ridge Road.
 - [2] Arterial: 250 feet.
 - [3] Collector: 250 feet.
 - [4] Existing local street: 200 feet.
 - [5] Proposed local street: 100 feet.
 - (e) Minimum front setback (principal and accessory buildings).
 - [1] Arterial: 75 feet.
 - [2] Collector: 40 feet.
 - [3] Existing local street: 40 feet.
 - [4] Proposed local street: 25 feet.
 - (f) Minimum side and rear setbacks.
 - [1] Principal residential buildings: 15 feet.
 - [2] Combined side setbacks of residential buildings: 40 feet.
 - [3] Accessory buildings or structures: 15 feet, except when they directly abut a building used for agricultural purposes.

- [4] Nonresidential buildings or structures: one foot for each foot of height but not less than 30 feet, excluding agricultural buildings.

- (g) Minimum vegetated area, side and rear, nonresidential use: 20 feet.

- (h) Maximum height.
 - [1] Residential buildings and structures: 35 feet.
 - [2] Nonresidential buildings and structures: 55 feet.
 - [3] Transmitter towers and wind generators: none.

- (2) Development standards. In addition to the space and bulk standards set forth in § 280-11-2-F-(1), the following standards shall apply as indicated:
 - (a) Subdivisions. The division of any parcel of land containing 10 or more acres as of the date of adoption of this subsection shall:
 - [1] Be a cluster subdivision meeting the requirements of § 280-15-4; or
 - [2] Conform to the following development standards:
 - [a] Access to all new lots shall be from an existing or proposed local street as defined in this chapter unless no other reasonable alternative is feasible as determined by the Planning Board.
 - [b] A forty-foot area adjacent to any existing street or road shall be maintained as a vegetated buffer.
 - [c] Where tree lines or wooded areas exist along existing streets or roads, an effort shall be made to preserve these features and suitable provisions made to protect them through deed covenants or easements.
 - [d] The layout of lots and the placement of buildings on lots shall respect natural features, including wetlands, streams, and wildlife habitat, as well as existing site features, such as tree lines and stone walls. In approving plans for subdivisions, the Planning Board may require the identification of building envelopes within which all construction and development shall occur.

 - (b) Reuse of agricultural buildings. Agricultural buildings existing as of the date of adoption of this section may be reused for nonresidential purposes subject to the following limitations:
 - [1] There is no retail sale of goods not otherwise allowed in the zone.
 - [2] The nonresidential activity occurs completely within the agricultural building and there is no outside storage of materials, equipment, or products.
 - [3] The architectural character of the building is maintained.
 - [4] Exterior changes in the structure shall be limited to minor changes and/or additions needed to

provide access or comply with code requirements.

- (c) Outdoor storage of machinery, equipment, materials, or products. Any outdoor storage permitted in conjunction with an allowed nonresidential use shall be screened from view from any public street or road or adjacent lot in residential use by fencing or sight-impervious vegetation or a combination thereof. This requirement shall not apply to the normal use and storage of farm equipment in conjunction with an agricultural use.
- (d) Child-care centers or nursery schools for more than thirteen (13) children. In addition to the requirements of ~~a~~ conditional use, a child-care centers or nursery schools for with thirteen (13) or more children shall comply with the following *additional* standards:

- [1] Minimum lot size shall be ~~two~~ eight (8) acres.

- [2] The lot or parcel shall have four-hundred-fifty (450) frontage on Route 109 or Route 4 an-arterial or collector road as required in § 280-15-4. When a lot fronts on either Route 109 or Route 4 and another both an arterial and collector road, access shall be from Route 109 or Route 4 the collector road unless otherwise approved by the Planning Board. Access may be from a local street upon a finding from the Planning Board that use of such street as access is appropriate considering the surrounding uses.

- [3] All building improvements associated with the proposed use shall meet the following minimum vegetated front, side, and rear setbacks: ~~provided in § 280-15-4. All nonstructural improvements associated with the proposed use, including but not limited to all play equipment, shall have a side and rear setback of 30 feet.~~

- [a] Front yard setback: one hundred (100) feet.

- [b] Side and rear setback: seventy-five (75) feet.

- [4] The use shall serve a maximum of fort-nine (49) children. An existing facility shall only be allowed to expand the number of children if the property is located on an arterial, shall demonstrate that there are adequate provisions for water supply and sanitary wastewater disposal, and shall require conditional use approval.

- [5] The use shall occur either within a single-family detached dwelling or a separate structure. When the proposed use will be located in a separate structure, the structure shall be used exclusively for the child-care center or nursery school.

- (e) Individual lot sizes. The creation of any individual lot shall conform to the maximum net residential density provision of one dwelling unit per two net acres. Individual lots may be as small as 40,000 square feet, provided that the cumulative net residential density of all lots created from the original parcel conforms to the density standard. If a lot with a lot area of less than two net acres or less than two net acres per proposed dwelling unit is proposed to be created, the owner shall provide the Code Enforcement Officer with written evidence that the lot will be in conformance with the maximum net residential density requirement of one dwelling unit per two net acres. This evidence may include, but is not limited to, the following:

- [1] Evidence that the lot is part of an approved subdivision that conforms to the maximum density requirement.

[2] Evidence that the proposed lots, in conjunction with other lots created from the same parcel, conforms to the maximum density requirement.

[3] Evidence that, in addition to the proposed lots, a conservation area on the same parcel, adequate to allow the combination of the lots and conservation area to conform to the maximum density requirement, has been permanently restricted from development through a conservation or similar easement.

(3) Performance standards. Uses within the RR Zone shall conform to all applicable performance standards, including but not limited to the following:

- (a) Section 280-15-1, Groundwater protection standards.
- (b) Section 280-15-2, Watershed performance standards.
- (c) Section 280-15-4, Residential cluster development standards.
- (d) Section 280-15-5, Manufactured housing.
- (e) Section 280-15-6, Mineral extraction standards.
- (f) Section 280-15-7, Archaeological and historic resources.
- (g) Section 280-15-10, Medical marijuana standards.

G. Overlay districts.

- (1) Areas within the RR Zone are located within the Shoreland Overlay Zone as defined by Chapter **270**, Shoreland Zoning. All use of land within the Shoreland Overlay Zone shall comply with the standards and requirements of Chapter **270**.
- (2) Areas within the RR Zone may be located within the Airport Protection Overlay Zone as defined in § 280-11-9. The provisions of that section shall apply to all use of land within the Airport Protection Overlay Zone.

H. Flood management. Areas of the RR Zone which are located within flood hazard areas as defined by Chapter **265**, Floodplain Management, shall additionally comply with the terms of that chapter.

§ 280-11-3 **Rural Mixed Use Zone (RMU).**

- A. Purpose. The purpose of the Rural Mixed Use (RMU) Zone is to provide areas in the City which foster a working rural environment, including a mix of residential and traditional rural uses, while maintaining the rural character of these areas.
- B. Permitted uses. Uses shown on the Table of Land Uses as being permitted uses shall be permitted by right in the RMU Zone.
- C. Uses permitted with site plan review. Uses shown on the Table of Land Uses as being permitted with site plan review in the RMU Zone shall be allowed, but only upon the receipt of approval of a development plan in accordance with the provisions of Article **XVI**.
- D. Conditional uses. Uses shown on the Table of Land Uses as being conditional uses in the RMU Zone shall be allowed only if a conditional use permit for that use is approved by the Planning Board in accordance with the provisions of Articles **XIII** and **XVI**.
- E. Prohibited uses. Any use not listed as a permitted use, a use permitted with site plan review, or a conditional use in the RMU Zone shall be prohibited within the RMU Zone.
- F. Standards. All buildings and structures shall be erected, structurally altered, enlarged, or moved and all land within the RMU Zone shall be used in accordance with the following standards:
 - (1) Space and bulk standards.
 - (a) Maximum net residential density: one dwelling unit per two net acres.
 - (b) Minimum lot size: See § 280-11-3F(2)(a)[2][e].
 - (c) Minimum lot area per dwelling unit: See § 280-11-3F(2)(a)[2][e].
 - (d) Minimum street frontage.
 - [1] Arterial: 250 feet.
 - [2] Collector: 250 feet.
 - [3] Existing local street: 200 feet.
 - [4] Proposed local street: 100 feet.
 - (e) Minimum front setback (principal and accessory buildings).
 - [1] Arterial: 75 feet.
 - [2] Collector: 40 feet.
 - [3] Existing local street: 40 feet.
 - [4] Proposed local street: 25 feet.
 - (f) Minimum side and rear setbacks.

- [1] Principal residential buildings: 15 feet.
 - [2] Combined side setbacks of residential buildings: 40 feet.
 - [3] Accessory buildings or structures: 15 feet, except when they directly abut an agricultural building.
 - [4] Nonresidential buildings or structures: one foot for each foot of height but not less than 30 feet, excluding agricultural buildings.
- (g) Minimum vegetated area, side and rear, nonresidential use: 20 feet.
- (h) Maximum height.
- [1] Residential buildings and structures: 35 feet.
 - [2] Nonresidential buildings and structures: 55 feet.
 - [3] Wind generators: none.
- (2) Development standards. In addition to the space and bulk standards set forth in § 280-11-3F(1), the following standards shall apply as indicated:
- (a) Subdivisions. The division of any parcel of land containing 10 or more acres as of the date of adoption of this subsection shall:
- [1] Be a cluster subdivision meeting the requirements of § 280-15-4; or
 - [2] Conform to the following development standards:
 - [a] Access to all new lots shall be from an existing or proposed local street as defined in this chapter unless no other reasonable alternative is feasible as determined by the Planning Board.
 - [b] A forty-foot area adjacent to any existing street or road shall be maintained as a vegetated buffer.
 - [c] Where tree lines or wooded areas exist along existing streets or roads, an effort shall be made to preserve these features and suitable provisions made to protect them through deed covenants or easements.
 - [d] The layout of lots and the placement of buildings on lots shall respect natural features, including wetlands, streams, and wildlife habitat, as well as existing site features, such as tree lines and stone walls. In approving plans for subdivisions, the Planning Board may require the identification of building envelopes within which all construction and development shall occur.
 - [e] Individual lot sizes. The creation of any individual lot shall conform to the maximum net residential density provision of one dwelling unit per two net acres. Individual lots may be as small as 40,000 square feet, provided that the cumulative net residential density of all lots created from the original parcel conforms to the density standard. If a lot with a lot area of

less than two net acres or less than two net acres per proposed dwelling unit is proposed to be created, the owner shall provide the Code Enforcement Officer with written evidence that the lot will be in conformance with the maximum net residential density requirement of one dwelling unit per two net acres. This evidence may include, but is not limited to, the following:

- [i] Evidence that the lot is part of an approved subdivision that conforms to the maximum density requirement.
 - [ii] Evidence that the proposed lots, in conjunction with other lots created from the same parcel, conform to the maximum density requirement.
 - [iii] Evidence that, in addition to the proposed lots, a conservation area on the same parcel, adequate to allow the combination of the lots and conservation area to conform to the maximum density requirement, has been permanently restricted from development through a conservation or similar easement.
- (b) Reuse of agricultural buildings. Agricultural buildings existing as of the date of adoption of this section may be reused for nonresidential purposes subject to the following limitations:
- [1] There is no retail sale of goods not otherwise allowed in the zone.
 - [2] The nonresidential activity occurs completely within the agricultural building and there is no outside storage of materials, equipment, or products.
 - [3] The architectural character of the building is maintained.
 - [4] Exterior changes in the structure shall be limited to minor changes and/or additions needed to provide access or comply with code requirements.
- (c) Outdoor storage of machinery, equipment, materials, or products. Any outdoor storage permitted in conjunction with an allowed nonresidential use shall be screened from view from any public street or road or adjacent lot in residential use by fencing or sight-impervious vegetation or a combination thereof. This requirement shall not apply to the normal use and storage of farm equipment in conjunction with an agricultural use.
- (d) Access limitations to Route 4. In addition to the general access limitations set forth in §§ 280-14-4 and 280-14-5, any nonresidential use, including home businesses, located on a lot with frontage on Route 4 shall either:
- [1] Obtain its vehicular access from an existing or proposed local street; or
 - [2] Provide for the coordination of vehicular access with abutting properties where feasible through the use of shared or combined access drives, the creation of marginal access roads, or the interconnection of parking and service areas. The Planning Board or the Site Plan Review Committee may waive this requirement during site plan review under Article **XVI** if access is not feasible because of existing conditions, the layout of lots, or physical conditions of the site or adjoining lots.
- (e) Residential buffer. Any commercial or industrial use, as identified in the Table of Land Uses, that abuts a lot located in a Single-Family Residential Zone shall maintain a fifty-foot buffer strip along

the adjoining lot line. This buffer strip shall be maintained as a vegetated area and shall not be used for parking, storage, display of materials, placement of dumpsters, or similar items. A visual barrier shall be established within the buffer strip by landscaping and/or fencing.

- (f) Child-care centers or nursery schools for more than thirteen (13) children. In addition to the requirements of ~~a~~ conditional use, a child-care centers or nursery schools ~~for with~~ thirteen (13) or more children shall comply with the following *additional* standards:

[1] Minimum lot size shall be ~~two~~ eight (8) acres.

[2] The lot or parcel shall have four-hundred-fifty (450) frontage on an arterial or collector road ~~as required in § 280-11-3F~~. When a lot fronts on both an arterial and/or collector road, access shall be from the collector road unless otherwise approved by the Planning Board. ~~Access may be from a local street upon a finding from the Planning Board that use of such street as access is appropriate considering the surrounding uses.~~

[3] All building improvements associated with the proposed use shall meet the following minimum vegetated front, side, and rear setbacks: ~~provided in § 280-11-3F(1). All nonstructural improvements associated with the proposed use, including but not limited to all play equipment, shall have a side and rear setback of 30 feet.~~

[a] Front yard setback: one-hundred (100) feet.

[b] Side and rear yard setback: seventy-five (75) feet.

[4] The use shall serve a maximum of 49 children. An existing facility shall only be allowed to expand the number of children if the property is located on an arterial, shall demonstrate that there are adequate provisions for water supply and sanitary wastewater disposal, and shall require conditional use approval.

[5] The use shall occur either within a single-family detached dwelling or a separate structure. When the proposed use will be located in a separate structure, the structure shall be used exclusively for the child-care center or nursery school ~~use~~.

- (3) Performance standards. Uses within the RMU Zone shall conform to all applicable performance standards of this chapter, including but not limited to the following:

- (a) Section 280-15-1, Groundwater protection standards.
- (b) Section 280-15-2, Watershed performance standards.
- (c) Section 280-15-4, Residential cluster development standards.
- (d) Section 280-15-5, Manufactured housing.
- (e) Section 280-15-6, Mineral extraction standards.
- (f) Section 280-15-7, Archaeological and historic resources.
- (g) Section 280-15-10, Medical marijuana standards.

G. Overlay districts.

- (1) Areas within the RMU Zone are located within the Shoreland Overlay Zone as defined by Chapter **270**, Shoreland Zoning. All use of land within the Shoreland Overlay Zone shall comply with the standards and requirements of Chapter **270**.
- (2) Areas within the RMU Zone may be located within the Airport Protection Overlay Zone as defined in § 280-11-9. The provisions of that section shall apply to all use of land within the Airport Protection Overlay Zone.

H. Flood management. Areas of the RMU Zone which are located within flood hazard areas as defined by Chapter 365, Floodplain Management, shall additionally comply with the terms of that chapter.