

Draft for April 13, 2016 LUZ meeting

Town of Bridgton

Land Use Ordinance

TABLE OF CONTENTS

- I. GENERAL PROVISIONS
- II. AUTHORITY
- III. PURPOSES AND INTENT
- IV. APPLICABILITY
- V. ZONING DISTRICTS and ZONING MAP
- VI. BASIC REQUIREMENTS FOR ALL DISTRICTS
 - A. USE REGULATIONS; GENERAL.
 - B. EXEMPT USES
 - C. MUNICIPAL USES
 - D. NONCONFORMING USES, STRUCTURES AND LOTS
 - E. ACCESSORY USES
 - F. LOTS IN TWO TOWNS
- VII. REGULATIONS
 - A. Downtown Village Business District (TC)
 - B. Downtown Business District (TN)
 - C. Downtown Village Neighborhood
 - D. Inner Corridor (TF)
 - E. Outer Corridor (CA)
 - F. Outer Village Neighborhood
 - G. Lakeside Neighborhood
 - H. Rural Neighborhood
- VIII. TABLE OF DIMENSIONAL, DENSITY AND INTENSITY REQUIREMENTS
[Graphics go here too]
- IX. OVERLAY DISTRICTS
 - a. Historic District (South High Street, 302, North Bridgton Village)
 - b. Bear Rover Aquifer
 - c. Willis Brook Aquifer
- X. Shoreland
- XI. FLOOD PLAIN
- XII. Specific Use Requirements
 - a. Large Scale Water
 - b. Mineral Extractions
 - c. Medical Marijuana
 - d. Tower

- e. Affordable Housing
- XIII. SITE PLAN REVIEW
- XIV. Minor Site Plan/Department Review
- XV. Signage
- XVI. ADMINISTRATION
- XVII. ENFORCEMENT
- XVIII. BUILDING PERMIT PROCEDURES
- XIX. ZONING BOARD OF APPEALS
 - a. USE VARIANCES PROHIBITED
- XX. PENALTY
- XXI. NON INTERFERENCE
- XXII. SEVERABILITY
- XXIII. AMENDMENT
- XXIV. DEFINITIONS

VII.A. Downtown Village I Business Districts

1. Preamble

2. Façade

- a. A 6 foot maximum setback line set from the public lot line of each building is required.
- b. On each lot the building façade shall be built within the maximum setback line for at least 65% of the maximum setback line length, exclusive of driveways. Therefore, up to 35% of the building façade may have an architectural recess to add variety and diversity to the building.
- c. Within 30 feet of a block corner, the building façade shall be built to the maximum setback line.
- d. Portions of a building façade may protrude a maximum of 18 inches to allow bay windows, cantilevered (without supporting posts) bay windows. Balconies on the second floor shall not protrude more than 18 inches to the front public lot line.
- e. Within 8 feet of a block corner, the ground story façade shall be configured to form a corner entry.
- f. No building shall exceed 120 feet of continuous building frontage.

3. Height

- a. Each building shall be at least 2 stories in height, but no greater than 2 ½ stories and 35' in height
- b. Accessory buildings shall be no more than 18' in height¹
- c. Ground Story Height
 - i. The average ground story finished floor elevation within 30 feet of maximum setback line shall be not lower than the front sidewalk elevation and not higher than the average finished floor elevation of 21 inches above the sidewalk
 - ii. The ground story shall have at least 10 feet of clear interior height contiguous to the maximum setback line for a minimum of 30'
- d. Street wall height
 - i. A street wall of not less than 42 inches in height or greater than 4 feet in height shall be required along any portion of a lot this is not otherwise occupied by a building. The street wall/fence may be set back a maximum of 4 feet from the building façade as placed within the maximum setback line.
 - ii. The street wall height shall be measured from the adjacent sidewalk, or, when not adjacent to a sidewalk, from the average of the finished grade in the setback area.

¹ Barn behind Chalmers and building behind TD Bank?

- e. Exemptions from these requirement are for lots containing public spaces and parks, whether privately owned or owned by the town of Bridgton.
 - f. This requirement also prohibits drive-through services in this district.
 - g. One pedestrian gate no wider than 6 feet shall be permitted within any required street wall.
4. Buildable area
- a. A 15' parking setback line from the front public property line shall be required.
5. Garage and Parking
- a. One curb cut maximum is allowed on any street frontage for surface parking lots. Such curb cut shall have a maximum clear width of no greater than 18 feet.
 - b. Openings in any maximum setback line for parking garage entries shall have a maximum clear height of 16 feet and a clear width no greater than 24 feet.
 - c. Designated garage and parking lot entries/driveways, in addition to rear parking lot connecting drive lanes, shall be the sole means of vehicle access to a parking area ²
 - d. Garage entries may be set back up to a maximum 2 feet behind the surrounding façade.
 - e. These requirements are not applicable to on street parking.
 - f. Vehicular access to parking lots and garages on lots with frontage on more than one street shall not use Main Street as the access.
6. Building Envelope
- a. Fenestration
 - i. Blank lengths of wall exceeding 15 feet are prohibited on all ground story facades
 - ii. Ground story fenestration shall comprise between 40% and 90% of the façade
 - iii. Upper story fenestration shall comprise between 25 and 75% of the façade per story
 - iv. Functioning doors shall be required along the ground story building façade at intervals of no greater than 50 feet.
 - b. Building Projection
 - i. No part of any building, except second story overhanging eaves, balconies, bay windows, awnings, and signs shall encroach beyond the property line.
 - ii. Awnings on the ground story that project over the sidewalk shall maintain a clear height of at least 8 feet but no more than 12 feet.

² Is this necessary?

- iii. Awnings, balconies, stoops, porches, and walkways shall not project closer than 2 feet to a common lot line, except for alleys whereby the property owners have a recorded document allowing the same.

7. Uses

- a. Ground Story uses can include any mix of commercial, retail, professional service, light assembly, fabrication, cultural and public assembly.
- b. [Insert residential requirements in site plan here]
- c. Upper stories
 - i. Commercial, residential, professional service, light-assembly, fabrication, cultural and public assembly
 - ii. Restaurant and retail are allowed in upper stories as extension of tenancy and occupancy of the same operator on the ground story and shall be equal to or less in area
 - iii. Commerce shall not be on an upper story with residential on the ground story except in home occupation
 - iv. Additional habitable space is allowed within the roof, where the roof is configured as an attic story.

VII.B. Downtown Village II Business Districts

1. Preamble
2. Façade
 - a. A 15 foot maximum setback line set from the public lot line of each building is required. The minimum setback at the public and private lot lines shall be 10 feet.³
 - b. On each lot the building façade shall be built within the maximum setback line for at least 65% of the maximum setback line length, exclusive of driveways. 35% of the building façade may have an architectural recess to add variety and diversity to the building.
 - c. Within 30 feet of a block corner, the building façade shall be built to the maximum setback line.
 - d. Portions of a building façade may protrude a maximum of 18 inches to allow bay windows, cantilevered (without supporting posts) bay windows. Balconies on the second floor shall not protrude more than 18 inches to the front public lot line.
 - e. Within 8 feet of a block corner, the ground story façade shall be configured to form a corner entry.
 - f. No building shall exceed 120 feet of continuous building frontage.

³ Please note this change and let's discuss.

3. Height
 - a. Each building shall be at least 2 stories in height, but no greater than 2 ½ stories and 35' in height
 - b. Accessory buildings shall be no more than 18' in height
 - c. Ground Story Height
 - For residential uses:
 - i. The average finish floor elevation shall be no less than 2 feet and a maximum of 4 feet above the exterior sidewalk or front yard elevation at the maximum setback line.
 - ii. The ground story shall have a clear interior height of at least 8 feet.
 - For Commercial uses:
 - iii. The average ground story finish floor elevation within a 30 foot depth of the public lot line shall be:
 - (1) Not lower than the fronting sidewalk or front yard elevation.
 - (2) Not higher than the average finished floor elevation⁴ of 21 inches above the sidewalk or front yard elevation.
 - iv. The ground story shall have at least 9 feet of clear interior height for a minimum depth of 25 feet.
4. Buildable area
 - a. A 15' parking setback line from the front public property line shall be required.
 - b. A contiguous private open area equal to at least 15% of the total buildable area shall be preserved on the lot. The calculated area shall not include any requisite setbacks areas.
 - c. Relief from the maximum setback line may be considered by a special permit from the Planning Board in cases where:
 - i. Physical characteristics of the lot that are not created by the existing property owner, including but not limited to steep slopes and shoreland zoning district setbacks.
 - ii. Relationship to the environs of the property, for example, the setback is similar to abutting properties
 - iii. The adjustment of building area meets the preamble for the district.
5. Garage and Parking
 - a. One curb cut maximum is allowed on any street frontage for surface parking lots. Unless otherwise required by Maine Department of Transportation, such curb cut shall have a maximum clear width of no greater than 22 feet.

⁴ Note to self to define that this calculation is done at the filing of a permit

- b. Openings in any maximum setback line for parking garage entries shall have a maximum clear height of 16 feet and a clear width no greater than 22 feet.
 - c. Designated garage and parking lot entries/driveways, in addition to rear parking lot connecting drive lanes, shall be the sole means of vehicle access to a parking area
 - d. Garage entries may be set back up to a maximum 2 feet behind the surrounding façade.
 - e. These requirements are not applicable to on street parking.
 - f. Vehicular access to parking lots and garages on lots with frontage on more than one street shall not use Main Street or Portland Street as the access.
6. Corner lots – Corner lots shall meet all standards, including maximum setback line.
7. Building Envelope
- a. Fenestration
 - i. Blank lengths of wall exceeding 15 feet are prohibited on all ground story facades
 - ii. Ground story fenestration shall comprise between 40% and 90% of the façade
 - iii. Upper story fenestration shall comprise between 25 and 75% of the façade per story
 - iv. Functioning doors shall be required along the ground story building façade at intervals of no greater than 50 feet.
 - b. Building Projection
 - i. No part of any building, except second story overhanging eaves, balconies, bay windows, awnings, and signs shall encroach beyond the property line.
 - ii. Awnings on the ground story that project over the sidewalk shall maintain a clear height of at least 8 feet but no more than 12 feet.
 - iii. Awnings, balconies, stoops, porches, and walkways shall not project closer than 2 feet to a common lot line, except for alleys whereby the property owners have a recorded document allowing the same.
8. Uses
- a. Ground Story uses can include any mix of residential, commercial, retail, professional service, light assembly, fabrication, cultural and public assembly.
 - b. Upper stories
 - i. Commercial, residential, professional service, light-assembly, fabrication, cultural and public assembly

- ii. Restaurant and retail are allowed in upper stories as extension of tenancy and occupancy of the same operator on the ground story and shall be equal to or less in area
 - iii. Additional habitable space is allowed with in the roof, where the roof is configured as an attic story.
9. Landscaping (Non-residential uses)
- i. Street trees⁵ shall be placed in the 5' setback at a maximum of 50 feet on center with even, linear spacing. Existing street trees may be saved to meet this requirement, and, if utilized, even linear spacing will not be required.
 - ii. Medium sized trees⁶ shall be placed on the property at 1 tree per 550 square feet of pervious area. Existing medium sized trees may be saved on the property to meet this requirement.
 - iii. Shrubs⁷ shall be planted anywhere on the lot at a minimum calculation of 1 per 30 linear feet of building
 - iv. Any constructed berms or slopes greater than 10% shall be planted with groundcover, perennials or ornamental grasses for at least 50% of the berm area.
 - v. Any yard fence not be more than 4 feet in height and shall be placed along the common lot lines.
 - vi. Native species⁸ shall be used.
 - vii. All required plantings shall be installed prior to a final occupancy permit and shall be guaranteed for at least 2 years.

VII.D Inner Corridor

1. Preamble
2. Façade
 - a. 25 foot maximum setback line set from the public lot line of each building is required. The minimum setback at the public and common lot lines shall be 15 feet. Building setback to a common lot line abutting a residential district shall be 20 feet.
 - b. On each lot the building façade of the principal structure shall be built within the maximum setback line for at least 75% of the maximum setback line length, exclusive of driveways. 25% of the building façade may have an architectural recess to add variety and diversity to the building. For multiple buildings on a lot where there is no single principal structure, one building shall meet this requirement that is not

⁵ Note to self to define landscaping elements like street trees, etc.

⁶ same

⁷ same

⁸ And again

an accessory building. For multiple buildings on a lot where there is one principal structure, the principal structure shall meet this requirement.

- c. ⁹Within 30 feet of a block corner, the building façade shall be built to the maximum setback line.
 - d. Portions of a building façade may protrude a maximum of 18 inches to allow bay windows, cantilevered (without supporting posts) bay windows. Balconies on the second floor shall not protrude more than 18 inches to the front public lot line.
 - e. Within 8 feet of a block corner, the ground story façade shall be configured to form a corner entry.
 - f. No building shall exceed 200 feet of continuous building frontage.
2. Height
- a. Each building shall not be greater than 3 stories to a maximum height of 35 feet. No minimum height is required.
 - b. Ground story height (commercial)
 - i. The average ground story finished floor elevation within the maximum setback line shall be not lower than the front yard elevation and not higher than 21 inches above the front yard elevation¹⁰
 - ii. The ground story shall have at least 10 feet of clear interior height contiguous to the maximum setback for a minimum depth of 30 feet.
3. Buildable Area
- a. The parking and ancillary structures setback line shall be 25 feet from the public lot line and 15 feet from a common lot line. Parking and ancillary structures shall be set back 20 feet from a common line that abuts a residential district. This requirement does not apply to driveways that connect lots for vehicle or pedestrian access.
 - b. A contiguous private open area equal to at least 15% of the total buildable area shall be preserved on the lot. The calculated area shall not include any requisite setbacks areas.
 - c. Relief from the maximum setback line may be considered by a special permit from the Planning Board in cases where:
 - i. Physical characteristics of the lot that are not created by the existing property owner, including but not limited to steep slopes and shoreland zoning district setbacks.

⁹ I have a question mark in my notes for this paragraph – I assume the group needs to discuss whether this requirement applies to this corridor?

¹⁰ Let's think about this one

- ii. Relationship to the environs of the property, for example, the setback is similar to abutting properties
 - iii. The adjustment of building area meets the preamble for the district.
- 4. Garage and Parking
 - a. Vehicle parking areas located on private property shall be located behind the parking setback line, except where parking is underground.
 - b. Unless otherwise required by Maine Department of Transportation, curb cuts shall have a maximum clear width of no greater than 24 feet.
 - c. Openings in any maximum setback line for parking garage entries shall have a maximum clear height of 16 feet and a clear width no greater than 22 feet.
 - d. Designated garage and parking lot entries/driveways, in addition to rear parking lot connecting drive lanes, shall be the sole means of vehicle access to a parking area
 - e. Garage entries may be set back up to a maximum 2 feet behind the surrounding façade.
 - f. These requirements are not applicable to on street parking.
- 5. Corner lots – Corner lots shall meet all standards, including maximum setback line.
- 6. Building Envelope
 - a. Fenestration
 - i. Blank lengths of wall exceeding 12 linear feet are prohibited on ground story facades
 - ii. Ground story fenestration shall comprise between 30% and 50% of the façade.
 - iii. Upper story fenestration shall comprise between 20% and 30% of the façade area per story.
 - b. Building Projections No part of any building, except second story overhanging eaves, balconies, bay windows, awnings, and signs shall encroach beyond the property line.
 - i. Awnings on the ground story that project over a sidewalk or pedestrian area shall maintain a clear height of at least 8 feet but no more than 12 feet.
- 7. Uses
 - a. Ground Story uses can include any mix of commercial, retail, professional service, light assembly, fabrication, cultural and public assembly.
 - b. Upper stories
 - i. Commercial, residential, professional service, light-assembly, fabrication, cultural and public assembly

- ii. Restaurant and retail are allowed in upper stories as extension of tenancy and occupancy of the same operator on the ground story and shall be equal to or less in area
 - iii. Additional habitable space is allowed within the roof, where the roof is configured as an attic story.
 - c. Residential uses as a primary use¹¹ on a property is allowed, or as part of home occupation¹²
8. Landscaping (Non-residential uses)
- i. Street trees¹³ shall be placed in the 15' setback at a maximum of 50 feet on center with even, linear spacing. Existing street trees may be saved to meet this requirement, and, if utilized, even linear spacing will not be required.
 - ii. Medium sized trees¹⁴ shall be placed on the property at 1 tree per 550 square feet of pervious area. Existing medium sized trees may be saved on the property to meet this requirement.
 - iii. Shrubs¹⁵ shall be planted anywhere on the lot at a minimum calculation of 1 per 30 linear feet of building
 - iv. Any constructed berms or slopes greater than 10% shall be planted with groundcover, perennials or ornamental grasses for at least 50% of the berm area.
 - v. Any yard fence not be more than 4 feet in height and shall be placed along the common lot lines.
 - vi. Native species¹⁶ shall be used.
 - vii. All required plantings shall be installed prior to a final occupancy permit and shall be guaranteed for at least 2 years.
9. Sidewalks shall be required along the frontage of the property subject to review by the Town of Bridgton Public Works Director and the Maine Department of Transportation.

VII.E. Outer Corridor

- 1. Façade
 - a. The minimum setback for commercial buildings at the public and common lot lines shall be 25 feet. Building setback to a common lot line abutting a residential district shall be 50 feet.

¹¹ Definition?

¹² Need to check the existing allowances for this

¹³ Note to self to define landscaping elements like street trees, etc.

¹⁴ same

¹⁵ same

¹⁶ And again

- b. The minimum setback for residential buildings on a major artery shall be 50 feet. Building setback to a common lot or any other public lot line shall be 25 feet.
2. Height
 - a. Each building shall be no greater than 6 stories, with no minimum height requirement.
 - b. A front yard fence or wall, if built, shall not be less than 3 feet in height or greater than 4 feet as measured from the front yard elevation prior to the issuance of an occupancy permit.
 3. A contiguous private open area equal to at least 15% of the buildable area shall be preserved and maintained on the lot.
 4. Garage and Parking
 - a. Surface parking lots shall be subject to building setbacks.
 - b. Openings in in any street frontage shall have a maximum clear width of 24' unless otherwise required by Maine Department of Transportaiton.
 - c. Setbacks will not be required for side or rear property shared access to adjoining properties.
 5. Building Envelope
 - a. Ground story fenestration shall comprise a minimum of 30% of the façade
 - b. Upper story fenestration¹⁷ shall comprise between 20% and 30% of the cade area per story.
 10. Uses
 - a. Ground Story uses can include any mix of commercial, retail, professional service, light assembly, fabrication, cultural and public assembly.
 - b. Upper stories
 - i. Commercial, residential, professional service, light-assembly, fabrication, cultural and public assembly
 - ii. Restaurant and retail are allowed in upper stories as extension of tenancy and occupancy of the same operator on the ground story and shall be equal to or less in area
 - iii. Additional habitable space is allowed with in the roof, where the roof is configured as an attic story.
 - c. Residential uses as a primary use¹⁸ on a property is allowed, or as part of home occupation¹⁹
 11. Landscaping (Non-residential uses)

¹⁷ Should this be defined?

¹⁸ Definition?

¹⁹ Need to check the existing allowances for this

- i. Street trees²⁰ shall be placed in the 25' setback at a maximum of 50 feet on center with even, linear spacing. Existing street trees may be saved to meet this requirement, and, if utilized, even linear spacing will not be required.
 - ii. Medium sized trees²¹ shall be placed on the property at 1 tree per 550 square feet of pervious area. Existing medium sized trees may be saved on the property to meet this requirement.
 - iii. Shrubs²² shall be planted anywhere on the lot at a minimum calculation of 1 per 30 linear feet of building
 - iv. Any constructed berms or slopes greater than 10% shall be planted with groundcover, perennials or ornamental grasses for at least 50% of the berm area.
 - v. Any yard fence not be more than 4 feet in height and shall be placed along the common lot lines.
 - vi. Native species²³ shall be used.
 - vii. All required plantings shall be installed prior to a final occupancy permit and shall be guaranteed for at least 2 years.
12. Sidewalks shall be required along the frontage of the property subject to review by the Town of Bridgton Public Works Director and the Maine Department of Transportation.

²⁰ Note to self to define landscaping elements like street trees, etc.

²¹ same

²² same

²³ And again

Town of Bridgton Land Use & Zoning Committee

Definitions

Draft for review 4.13.16

Accessory – a building or use that is subordinate and customarily incidental to the principal use/structure on the same lot

Alley – an unnamed public or private right of way less than 22 feet wide that is primarily designed to serve as a secondary access to the rear or side of those properties whose principal frontage is on another street

Attic story – the space enclosed within the roof structure of a building

Balcony – a projecting platform that is open and roofless and which is suspended or cantilevered from, or supported solely by, the principal structure

Block Corner – the intersection of two or more public lot lines

Buildable Area –

inner corridor - the area of the lot minus the area of the required setbacks

outer corridor – the area of the lot minus the area of required setbacks, slopes greater than 15%, and, as defined in shoreland regulations, wetlands, streams, ponds, and lakes

Clear Interior Height – the vertical distance allowed between the ground story floor and the ceiling

Common lot line – a lot line shared between properties

Cultural use – services to the public, such as but not limited to, museums, art galleries and libraries by a public or a private entity

Finished grade – the finished average ground elevation along the perimeter of a building

Garage – a structure, other than automotive services, private or storage garage, which is used for the short term parking of vehicles

Ground story – The first floor of a building, other than a basement

Light Assembly – the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing

Major Artery – a term to describe Routes 302, 117, and 107

Town of Bridgton Land Use & Zoning Committee

Definitions

Draft for review 4.13.16

Maximum setback line – a regulation designating the furthest distance an object can be from the public lot line

Minimum Setback line - a regulation designating the closest distance an object can be from a prescribed lot line

Parking setback line – a regulation designation the closest the outer edge of a parking lot can be from a property line

Privacy wall – An unroofed structure which has a foundation and vertical surface of masonry, wood, plaster, concrete, or stones to enclose, divide or protect an area

Private open area – a contiguous space for planted materials and containing no more than 50% impervious surface for courtyards and/or seating areas

Public Assembly – a meeting place at which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, theaters, auditoriums, and funeral homes

Public Lot line – any property line that directly abuts a public road

Residential – activities on a lot used predominantly for housing

Setback – the area of a Lot measured from the Lot line to a Building Facade or Elevation that is maintained clear of permanent structures, with the exception of permitted Encroachments

Story – a space in buildings between the surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between such floor and the ceiling or roof above; provided, however, that where the floor level of the first story is at least five feet below the adjoining finished grade, the space shall be considered a basement and not a story.

Street wall/yard wall – a fence, wall or vegetation to maintain a continuous edge along a lot line¹

¹ This is the same as a *front yard wall* so it is recommended the term *street wall* is used consistently and the term *front yard wall* is removed from the next draft document.