



TOWN OF WINSLOW, MAINE

(207) 872-2776 Phone
(207) 872-1999 Fax

www.winslow-me.gov

114 Benton Avenue
Winslow, ME 04901

Public Hearing: April 11, 2022

TOWN COUNCIL

ORDINANCE NO. 04-2022

AN ORDINANCE

Providing for: An Amendment to Ordinance 15-2015, removing the requirement in paragraph B.1 of Sections 14-44 and 14-45 of the Zoning Ordinance requiring a one thousand (1,000) foot abutter notice from the developer when applying for a building or conditional use permit in the Mixed Use and Low Density Residential Zones.

BE IT ORDAINED by the Town Council of the Town of Winslow, as follows:

WHEREAS, the Town is required to send a notice to all abutters within five hundred (500) feet of a proposed building site when a proposed project requires site plan review; and

WHEREAS, this secondary notice is redundant and causes confusion among the abutters as it asks for written comment which is not a requirement of the notice sent by the Town; and

WHEREAS, The one thousand (1,000) foot requirement has been reduced to five hundred (500) feet by the administrative ordinance changes put before the Council under Ordinance 02-2022 and the result is that the same set of abutters will get both notices; now, therefore

BE IT ORDAINED by the Town Council that Ordinance 15-2015 be amended by removing the requirement in paragraph B.1 of Sections 14-44 and 14-45 of the Zoning Ordinance requiring a one thousand (1,000) foot abutter notice from the developer when applying for a building or conditional use permit in the Mixed Use and Low Density Residential Zones.

SPONSORED BY: Administration

IN THE TOWN COUNCIL

April 11, 2022

First Reading 7 0
accepted rejected

May 9, 2022

Second Reading 7 0
adopted rejected

Euse Bellwood
Town Clerk

APPROVED: May 9, 2022

CHAIRMAN: [Signature]
[Signature]
[Signature]
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The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 14-44 Mixed Use District.

[Amended 3-8-1999 by Ord. No. 3-1998; 3-12-2007 by Ord. No. 2-2007; 12-13-1200 by Ord. No. 1-2010; 5-14-2012 by Ord. No. 3-2012; 1-13-2014 by Ord. No. 5-2013; 1-11-2016 by Ord. No. 15-2015]

- A. Purpose. The Mixed Use District consists of many of the older sections of Town and contains a variety of residential, commercial, recreational, municipal and educational uses. Municipal water and sewer are available throughout most of the district. The character of the district is dominated by a dense development pattern with commercial uses dispersed among single and multi-family residential homes. The existing mixed use development pattern shall be maintained by allowing a wide number of residential uses; allowing the expansion of existing non-residential uses; and by allowing some commercial uses that are able to Blend and exist in harmony with the character of the district.
- B. Requirements to blend. To blend into the existing character of the neighborhood all existing residential properties within 500 feet of any property line of a proposed nonresidential use shall be considered as neighborhood. The Planning Board and Code Enforcement Officer shall address the following items when reviewing a use or building permit application:
- (1) How different the uses are to each other. ~~The developer shall send notice to the neighborhood (all properties within 1,000 feet) by first class mail describing the proposed project and a written request for comment. A copy of each letter and the comments shall be made part of the permit application.~~
 - (2) Buffering with natural vegetation and or structural requirements to help blend or disguise the proposed use.
 - (3) Traffic and traffic control and Parking.
 - (4) Hours of operation, lighting and signage. (Hours may be limited depending on the proposed use).
 - (5) Sewage Disposal, if private the plan must include an additional area shown on the site plan for a replacement system dedicated to "future Subsurface Waste Disposal."
 - (6) Storm water management and snow removal.
 - (7) Noise and odor control.
 - (8) Outside storage of goods and materials on site must be buffered and not visible from any public way or abutting property.
 - (9) Architectural compatibility, for those uses which require high visibility the Planning Board may require additional Public hearings and input from the neighborhood.
- C. Minimum dimensional requirements. [Amended 5-14-2018 by Ord. No. 2-2018]

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Dimensional Requirements	Single Family Residential	Multi-Family Residential Single Structure	Multi-Family Residential Multiple Structures	Open Space Development *Note 3	Non-Residential w/sewer	Non-Residential w/private sewer
	Lot area	7,000 square feet	10,000 square feet	See Note 4	3X Building Area	15,000 square feet
Lot width	70 feet	100 feet		As approved by Planning Board	100 feet	200 feet
Lot frontage	70 feet	100 feet	100 feet	As approved by Planning Board	100 feet	200 feet
Building area	600 square feet	600 square feet	600 square feet or as approved by the Planning Board	Micro-Homes, less than 600 square feet	600 square feet	N/A
Maximum building height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Rear yard	10 feet	20 feet	20 feet	10 feet	20 feet	25 feet
				(note 1)		
Road yard	25 feet	25 feet	25 feet	0 feet	25 feet	25 feet
				(note 4)		
Side yard all structures (note 1)	10 feet	20 feet	20 feet	10 feet	20 feet	25 feet
				(note 1)		
Building width	20 feet	20 feet	20 feet	N/A	20 feet	N/A
Multi-family density per lot area (note 2)		2,000 square feet per one Bedroom unit 3,000 square feet per two Bedroom unit		Note: lawn and landscaping not less than 1X building Area		

NOTES:

1. Open Space Developments may have reduced lot lines between residential units within the project, however the side and rear setbacks for the project to non-project properties cannot be reduced.
2. A multi-family building is required to meet the minimum lot area. The density or number of units allowed on a particular lot is established as 2,000 square feet per a one bedroom unit and 3,000 square feet per two bedroom units. An example: If the buildable area is 10,000 square feet then the building could contain a maximum of three two-bedroom units or the building could contain two one-bedroom units and two two-bedroom units. Buildable Area; that area of a lot after all yard setbacks, parking and roadways have been deducted.
3. Proposed Exemptions as approved by the Planning Board:

Dimensional Requirements	Multi-Family Residential		Multi-Family Residential	Open Space	Non-Residential	Non-Residential
	Single Family Residential	Single Structure	Multiple Structures	Development *Note 3	w/sewer	w/private sewer

- Exemptions for Municipal Buildings.
- May include alleys in calculation of rear setback.
- Lots under 9,000 square feet may not exceed 25% of the project.
- Lots under 50 feet of frontage may not exceed 50% of any development.

4. Multi-Family multiple Buildings are required to meet the Minimum Buildable lot area of 1,400 square feet per unit.

D. Allowed uses.

(1) Principal uses:

- Agriculture
- Bed-and-breakfast (note 1 below)
- Boarding home
- Child care center
- Churches
- Congregate housing
- Essential services
- Farmer market
- Fast food restaurants
- Funeral homes
- Greenhouses
- Home child care
- Home occupations
- Medium scale principal solar energy systems (MSPSES)
- Minor home occupation
- Mobile home parks
- Motels
- Multi-family dwellings
- Multiplexes as part of a mixed use development
- Municipal facility
- Open space developments
- Parks and playgrounds
- Printing
- Professional offices
- Restaurants
- Restaurants max 25,000 square feet
- Retail (max 20,000 square feet)
- Retail businesses as part of a mixed use development
- Schools commercial
- Single family dwellings
- Small stores

Two family dwellings
Veterinary clinics
Warehouse
Yard sales

NOTES:

1. A bed-and-breakfast with not more than five bedrooms available for lodging shall be considered a principal use. A bed-and-breakfast with more than five bedrooms available for lodging shall be considered a conditional use, Accessory Uses and Structures for Principal Uses
2. Manufacturing, Warehousing and Retail over 20,000 square feet may be approved by the Planning Board with a minimum lot size of 25 acres providing all the conditions of § 14-44B are met.

(2) Conditional uses: **[Amended 6-12-2017 by Ord. No. 5-2017]**

Auto service
Community centers
Fireworks sales and storage
Government buildings
Indoor recreation
Kennels
Laboratories
Manufacturing
Manufacturing, warehousing and retail over 20,000 square feet (Note 2) above
Night club
Nursing homes
Parking lots
Redemption centers
Research facilities
Retail fuel sales
Schools public and private
Truck and heavy equipment repair
Vehicle sales

E. Mixed Use District performance standards:

- (1) Gas pumps Associated structures such as roofs, canopies and enclosures shall be not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street line.
- (2) Fireworks sale and storage. Associated structures such as roofs, canopies and enclosures shall be not less than 60 feet from any other permanent Structure and 35 feet from any existing or proposed street line. Inspections will be conducted by the Fire Chief and Code Enforcement Officer twice a year to verify that the fire suppression system is active and in compliance.

§ 14-45 Low Density Residential District.

[Amended 12-13-2010 by Ord. No. 1-2010; 12-8-2014 by Ord. No. 7-2014; 10-13-2015 by Ord. No. 8-2015; 1-11-2016 by Ord. No. 15-2015]

A. Purpose. The purpose of the Low Density Residential District is to provide locations for new single

family residential housing in a rural setting adjacent to existing built-up areas of Town. This district is envisioned to have public water and sewer. These areas are established to attract new home construction that would otherwise be located in the more rural sections of the community. The goal is to provide ample areas that will supply future home buyers a setting in a rural environment, yet still close to the Town center. Agriculture and forestry and similar resource based activities are encouraged; however, some Commercial, Service and Municipal uses are allowed in this district and any mixed use will have to blend into these residential areas.

B. Requirements to blend. To blend into the existing character of the neighborhood all existing residential properties within 500 feet of any property line of a proposed nonresidential use shall be considered as neighborhood. The Planning Board and Code Enforcement Officer shall address the following items when reviewing a use or building permit application:

- (1) How different the uses are to each other. ~~The developer shall send notice to the neighborhood (all properties within 1,000 feet) by first class mail describing the proposed project and a written request for comment. A copy of each letter and the comments shall be made part of the permit application.~~
- (2) Buffering with natural vegetation and or structural requirements to help blend or disguise the proposed use.
- (3) Traffic and traffic control and parking.
- (4) Hours of operation, lighting and signage. (Hours may be limited depending on the proposed use).
- (5) Sewage Disposal, if private the plan must include an additional area shown on the site plan for a replacement system dedicated to "future Subsurface Waste Disposal."
- (6) Storm water management and snow removal.
- (7) Noise and odor control.
- (8) Outside storage of goods and materials on site must be buffered and not visible from any public way or abutting property.
- (9) Architectural compatibility, for those uses which require high visibility the Planning Board may require additional Public hearings and input from the neighborhood.

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C. Minimum dimensional requirements. All Dimensions are Minimum Requirements unless otherwise indicated.

Dimensional Requirements	Planned Unit/Open Space		
	Development as approved by the Planning Board	Residential single family	Non Residential uses
Lot area	3X Building Are (Note 2)	1 acre without water and sewer	1 acres
	2X Building Area	1/2 acre with water and sewer	
Lot width	As approved by Planning	100 feet	200 feet

Dimensional Requirements	Planned Unit/Open Space Development as approved by the Planning Board	Residential single family	Non Residential uses
	Board (Note 2)		
Lot frontage	As approved by Planning Board (Note 2)	100 feet	200 feet
Street yard	As approved by the Planning Board (Note 3)	25 feet	50 feet
Building width	N/A	25 feet	N/A
Side yard and rear	15 feet	25 feet	50 feet
	(Note 1)		
Maximum building height	35 feet	35 feet	35 feet
Open space	Note: lawn and landscaping 1X building Area		

NOTES:

1. Open Space Developments may have reduced lot lines between residential units within the project, however the side and rear setbacks for the project to non-project properties cannot be reduced.
2. Proposed Exemptions as approved by the Planning Board:
 - May include alleys in calculation of rear setback.
 - Lots under 9,000 square feet may not exceed 25% of the project.
 - Lots under 50 feet of frontage may not exceed 50% of any development.
3. Lot front yard setback may be modified by the Planning Board where it can be demonstrated that safety and snow removal is not an issue. And must be part of an Open Space Development.

D. Allowed uses.

(1) Principal uses:

- Agriculture
- Bed-and-breakfast (note 1 below)
- Boarding home
- Child care center
- Churches
- Congregate housing
- Essential services
- Farmer markets
- Forestry
- Greenhouses
- Home child care
- Home occupations
- Medium scale principal solar energy systems (MSPSES)
- Minor home occupation

Mobile home
Mobile home parks
New mobile home
Nursing homes
Open space development
Parks and playgrounds
Passive recreation
Retail businesses as part of an open space development
Single family dwellings
Veterinary clinics
Yard sale

(2) Conditional uses:

Companion animal care center
Large scale principal solar energy systems (LSPSES)
Light manufacturing/warehousing
Municipal facility
Outdoor recreation
Radio and communication towers
Retail business