

MEMORANDUM

TO: Kate Matthews, Code Enforcement Officer

CC: Kathy Eddy, Assistant to Code Enforcement & Planning
Jason Rogers, Town Manager
Randy Thurston, Code Enforcement Officer

From: Jamel Torres, Senior Planner, North Star Planning

RE: Land Use Ordinance modifications related to permitted & prohibited uses in the Town's Zoning Districts, Section 504

Date: January 10, 2024

The Town of Naples Ordinance Review Committee (ORC) has requested a review of the current Land Use Ordinance related to permitted and prohibited uses within the existing zoning districts in Town. To this end, North Star Planning (NSP) has provided ordinance modifications to Section 504 of the Land Use Ordinance.

Proposed Modifications to the Naples Land Use Ordinance –

At this point in the project, NSP staff has compiled all of the proposed modifications within the Land Use Ordinance into one cohesive document, which is included in your packet. The specific modifications can be found below.

Section 504 Zoning Districts:

- Page 2:
 - Added a new subsection (Section 504.1.c.) indicating that all uses not specifically noted as permitted in Section 504.1.b. are prohibited in the Rural Area District. The ORC will need to provide guidance in regards to any additional uses that should be prohibited from this particular zoning district. The ORC will also need to provide guidance in regards to whether the uses prohibited in the Shoreland Zoning Ordinance, Section 15.G. should also be applied to the Rural Area District.

- Page 3:
 - Added a new subsection (Section 504.2.c.) indicating that all uses not specifically noted as permitted in Section 504.2.b. are prohibited in the Critical Rural Area District. The ORC will need to provide guidance in regards to any additional uses that should be prohibited from this particular zoning district. The ORC will also need to provide guidance in regards to whether the uses prohibited in the Shoreland Zoning Ordinance, Section 15.G. should also be applied to the Critical Rural Area District.

- Page 6:
 - Added a new subsection (Section 504.3.c.) indicating that all uses not specifically noted as permitted in Section 504.3.b. are prohibited in the Commercial Area District. The ORC will need to provide guidance in regards to any additional uses that should be prohibited from this particular zoning district. The ORC will also need to provide guidance in regards to whether the uses prohibited in the Shoreland Zoning Ordinance, Section 15.G. should also be applied to the Commercial Area District.

- Page 8:
 - Added a new subsection (Section 504.4.c.) indicating that all uses not specifically noted as permitted in Section 504.4.b. are prohibited in the Residential Growth Area District. The ORC will need to provide guidance in regards to any additional uses that should be prohibited from this particular zoning district. The ORC will also need to provide guidance in regards to whether the uses prohibited in the Shoreland Zoning Ordinance, Section 15.G. should also be applied to the Residential Growth Area District.

504 Zoning Districts

1. Rural Area.

a. Purpose.

Limited Residential Area. Home occupations and commercial activities in the rural area are grandfathered for their present use. Forestry, agricultural activities and residential uses except for mobile home parks are allowed in the rural area. Excessive growth and sprawl should be discouraged in the rural area.

b. Permitted Uses.

1. Accessory Apartment
2. Agriculture
3. Boarding Stable
4. Cemetery
5. Commercial Tower
6. Community Living Facility
7. Contractor's Yard
8. Day Care Facility
9. Duplex
10. Essential Services
11. Home Occupation
12. Individual Private Campsite
13. Manufactured Housing
14. Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
15. Mineral Exploration
16. Mobile Home
17. Multi-family Dwelling
18. Municipal Facility
19. Place of Worship
20. Public Facility
21. Residential Dwelling Unit
22. School
23. Seasonal Dwelling
24. Solar Energy System, Accessory

- 25. Solar Farm, Medium
- 26. Solar Farm, Large
- 27. Timber Harvesting
- 28. Yard Sale

c. Prohibited Uses

- 1. All uses not specifically noted as permitted in Section 504.1.b. are prohibited. In addition, XXXX use, XXXX use, XXXX use, and any uses prohibited in the Naples Shoreland Zoning Ordinance, Section 15.G., are not permitted in the Rural Area District.

d. Dimensional Standards.

- 1. Minimum Lot Size: 40,000 sq ft
- 2. Net residential density:
 - a. Duplex Dwelling: 30,000 sq ft per dwelling unit
 - b. Multi-family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads)
- 3. Minimum Road Frontage: 100 ft
- 4. Setbacks:
 - a. Minimum Front Setback measured from the right-of-way: 20 ft
 - b. Minimum Side and Rear Setback: 20 ft
 - c. The Code Enforcement Officer may allow for reductions from the Minimum Front, Side and Rear Setback requirements as set forth in Section 208.2 and 208.3.
- 5. Maximum Height: 55 ft
- 6. Back Lots – does not apply to subdivisions approved after 1986 a.
 - Access via Right-of-Way: 20 ft minimum in width
 - b. Minimum Setbacks: 20 ft c.
Maximum Height: 55 ft

e. District Standards.

- 1. [Reserved]
- 2. Critical Rural Area.
 - a. Purpose.

Conservation land and easements, parks, critical habitat areas, significant wetlands and stream protection areas, lake and stream setbacks as shown on Shoreland Zoning Map, State of Maine Critical Wildlife Area Map, 100-year Floodplain Map (F.E.M.A.), National Wetlands Inventory Map, State, Regional and Local Public Land Trust Maps: this area shall remain undeveloped and not allow residential or commercial uses except for non-profit non-residential facilities. Campgrounds are prohibited in the Critical Rural zoning district.

b. Permitted Uses.

1. Essential Services
2. Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
3. Municipal Facility
4. Place of Worship
5. Public Facility
6. Timber Harvesting

c. Prohibited Uses

1. All uses not specifically noted as permitted in Section 504.2.b. are prohibited. In addition, XXXX use, XXXX use, XXXX use, and any uses prohibited in the Naples Shoreland Zoning Ordinance, Section 15.G., are not permitted in the Critical Rural Area District.

d. Dimensional Standards.

1. Minimum Lot Size: 60,000 sq ft
2. Minimum Road Frontage: 100 ft
3. Setbacks:
 - a. Minimum Front Setback measured from the right-of-way 20 ft
 - b. Minimum Side and Rear Setback: 20 ft
 - c. The Code Enforcement Officer may allow for reductions from the Minimum Front, Side and Rear Setback requirements as set forth in Section 208.2 and 208.3.
4. Maximum Height: 55 ft
5. Back Lots – does not apply to subdivisions approved after 1986
 - a. Access via Right-of-Way: 20 ft minimum in width
 - b. Minimum Setbacks: 20 ft
 - c. Maximum Height: 55 ft

ed. District Standards.

1. [Reserved]

3. Commercial Area.

A. Purpose.

The area where future commercial development outside of the village district shall take place. Residential use, except for mobile home parks, will be allowed in the

Commercial zoning district. All commercial uses or services must meet the land area of the minimum lot size for a single-family residence.

b. Permitted Uses.

58. Accessory Apartment
2. Adult Entertainment Establishment (subject to the provisions of Section 601)
3. Agriculture
4. Amusement Facility
5. Automobile Sales
6. Automotive Repair Services and Garages
7. Bed and Breakfast
8. Boarding and Lodging Facility
9. Boarding Stable
10. Campground
11. Cemetery
12. Commercial School
13. Commercial Tower
14. Community Garden
15. Community Living Facility
16. Contractor's Yard
17. Convalescent or Rest Home
18. Day Care Facility
19. Duplex
20. Essential Services
21. Flea Market
22. Home Occupation
23. Hotel
24. Individual Private Campsite
25. Library
26. Light Manufacturing (subject to the limitations set forth in Section 508)

27. Kennel
28. Manufactured Housing
29. Marina
30. Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
31. Mineral Exploration
32. Mineral Extraction
33. Mobile Home
34. Mobile Vendor
35. Multi-family Dwelling
36. Municipal Facility
37. Museum
38. Nursing Home
39. Personal Services
40. Place of Worship
41. Private Utility Substation
42. Public Facility
43. Recreational Facility, Indoor
44. Recreational Facility, Outdoor
45. Recreational Facility, Public
46. Residential Dwelling Unit
47. Residential Institution
48. Restaurant
49. Retail Use
50. School
51. Seasonal Dwelling
52. Service Business
53. Solar Energy System, Accessory
54. Solar Farm, Medium
55. Solar Farm, Large
56. Timber Harvesting
57. Wholesale Sales
58. Yard Sale

c. Prohibited Uses

1. All uses not specifically noted as permitted in Section 504.3.b. are prohibited. In addition, XXXX use, XXXX use, XXXX use, and any uses prohibited in the Naples Shoreland Zoning Ordinance, Section 15.G., are not permitted in the Commercial Area District.

de. Dimensional Standards.

1. Minimum Lot Size: 40,000 sq ft
2. Net residential density:
 - a. Duplex Dwelling: 30,000 sq ft per dwelling unit
 - b. Multi-family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads)
3. Minimum Road Frontage: 100 ft
4. Setbacks:
 - a. Minimum Front Setback measured from the right-of-way: 20 ft
 - b. Minimum Side and Rear Setback: 20 ft
 - c. The Code Enforcement Officer may allow for reductions from the Minimum Front, Side and Rear Setback requirements as set forth in Section 208.2 and 208.3.
5. Maximum Height: 55 ft
6. Back Lots – does not apply to subdivisions approved after 1986 a.
Access via Right-of-Way: 20 ft minimum in width
 - b. Minimum Setbacks: 20 ft c.
Maximum Height: 55 ft

ed. District Standards

1. When the installation of a sidewalk is not practical at the time of application, the applicant may enter into an agreement with the Town opting to escrow the total cost of materials and installation in the name of the Town of Naples and as agreed to by the Road Commissioner. Escrowed funds would then be used at the Town's discretion for a future sidewalk installation when and where it may be more practical for the Town's needs. The agreement and escrow would satisfy the sidewalk construction requirement for development application approval.

4. Residential Growth Area.

a. Purpose.

The area of the town where residential growth shall be encouraged. The area will allow all types of residential development including mobile home parks.

b. Permitted Uses.

1. Accessory Apartment
2. Agriculture

3. Bed and Breakfast
4. Boarding and Lodging Facility
5. Cemetery
6. Commercial Tower
7. Community Living Facility
8. Community Garden
9. Convalescent or Rest Home
10. Day Care Facility
11. Duplex
12. Essential Services
13. Home Occupation
14. Individual Private Campsite
15. Library
16. Manufactured Housing
17. Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
18. Mineral Exploration
19. Mobile Home
20. Mobile Home Park
21. Multi-family Dwelling
22. Municipal Facility
23. Museum
24. Nursing Home
25. Place of Worship
26. Public Facility
27. Residential Dwelling Unit
28. Residential Institution
29. School
30. Seasonal Dwelling
31. Solar Energy System, Accessory
32. Solar Farm, Medium
33. Timber Harvesting
34. Yard Sale

c. Prohibited Uses

1. All uses not specifically noted as permitted in Section 504.4.b. are prohibited. In addition, XXXX use, XXXX use, XXXX use, and any uses prohibited in the Naples Shoreland Zoning Ordinance, Section 15.G., are not permitted in the Residential Growth Area District.

de. Dimensional Standards.

1. Minimum Lot Size: 40,000 sq ft
2. Net residential density:
 - a. Duplex Dwelling: 30,000 sq ft per dwelling unit
 - b. Multi-family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads)
3. Minimum Road Frontage: 100 ft
4. Setbacks:
 - a. Minimum Front Setback measured from the right-of-way: 20 ft
 - b. Minimum Side and Rear Setback: 20 ft
 - c. The Code Enforcement Officer may allow for reductions from the Minimum Front, Side and Rear Setback requirements as set forth in Section 208.2 and 208.3.
5. Maximum Height: 55 ft
6. Back Lots – does not apply to subdivisions approved after 1986 a.
Access via Right-of-Way: 20 ft minimum in width
 - b. Minimum Setbacks: 20 ft c.
Maximum Height: 55 ft

5. Village District Area.

a. Purpose.

The Village District area shall be a mixed residential, commercial and municipal service area. Architectural design matching the historical character and small-town image of the area shall be applied to all new construction and maintenance of existing buildings. Campgrounds, Flea Markets, and Gas Stations are prohibited in the Village Zoning District.

b. Permitted Uses.

1. Residential Uses:

- a. Single family detached dwellings, which may include manufactured housing, but shall not include mobile homes or doublewides.
- b. Two family dwellings which may include manufactured housing, but shall not include mobile homes or doublewides.

- c. Multi-family dwellings which may include manufactured housing but shall not include mobile homes or doublewides.
- 2. Commercial Uses:
 - a. Retail businesses, street vendors with less than 64 square feet of sales area, pushcarts, service businesses, and professional offices.
- 3. Municipal and Other Governmental Uses
- 4. Institutional Uses
- 5. Mixed Uses Including Home Occupations:
 - a. Residential use and non-residential use are permitted on the same lot in the Village District (this includes only those uses otherwise allowed in the Village District).
- 6. Accessory Apartment
- 7. Amusement Facility
- 8. Aquaculture
- 9. Bed and Breakfast
- 10. Boarding and Lodging Facility
- 11. Cemetery
- 12. Community Living Facility
- 13. Day Care Facility
- 14. Duplex
- 15. Essential Services
- 16. Governmental Facility
- 17. Home Occupation
- 18. Hotel
- 19. Library
- 20. Manufactured Housing
- 21. Marina
- 22. Medical Marijuana Registered Caregiver (subject to Section 614)
- 23. Mineral Exploration
- 24. Multi-family Dwelling
- 25. Municipal Facility
- 26. Museum
- 27. Place of Worship
- 28. Public Facility

- 29. Residential Dwelling Unit
- 30. Restaurant
- 31. Retail Use
- 32. Seasonal Dwelling
- 33. Solar Energy System, Accessory
- 34. Timber Harvesting
- 35. Yard Sale

c. Prohibited Uses

- 1. All uses not specifically permitted in 504.5.b are prohibited. In addition, commercial towers, new and used motor vehicle sales, unlicensed massage businesses, street vendors utilizing more than 64 square feet of sales area, and any uses prohibited in the Naples Shoreland Zoning Section 15 G are not permitted in the Village District.

d. Dimensional Standards. The following space and bulk standards shall apply in the Village District:

- 1. Minimum Lot Size
 - a. Lots without access to public water and sewer: 40,000 sq ft
 - b. Lots served by public water and sewer: 15,000 sq ft
- 2. Setbacks:
 - a. Minimum Front Setback measured from the right-of-way: 20 ft
 - b. Minimum Side and Rear Setbacks: 20 ft
 - c. The Code Enforcement Officer may allow for reductions from the Minimum Front, Side and Rear Setback requirements as set forth in Section 208.2 and 208.3.
- 3. Minimum Road Frontage: 100 ft
- 4. Maximum Height: 55 ft
- 5. Maximum building coverage: 50%
- 6. Maximum impervious area: 75%