

A User's Guide to the Town of Bucksport Land Use Ordinance

Bucksport's land use ordinance (Appendix K of the Bucksport Town Code) contains regulations that apply to the development and use of land and structures in both shoreland and non-shoreland areas. It identifies zoning districts throughout the town and in which district land uses are allowed or prohibited. It also describes the review and permitting process for proposed new land uses and changes to existing land uses. The description below is intended to help users become familiar with where information can be found in the ordinance.

SECTIONS 1-6

The first 6 sections of Appendix K include basic legal provisions and application of the ordinance.

Section 1: Describes the purpose of the ordinance.

Section 2: References the state laws that authorize the adoption of the ordinance.

Section 3: Describes in general what is regulated by the ordinance.

Section 4: Identifies how invalid or conflicting provisions in the ordinance are handled.

Section 5: Identifies the effective date of the ordinance and how the content may be amended.

Section 6: Identifies the authorities responsible for administering the ordinance.

SECTION 7 Establishment of Districts (Zoning)

Section 7 identifies 13 general zoning districts and 6 shoreland zone overlay districts that cover all the land in the Town of Bucksport. The purpose of each district is described, including what general types of uses are suitable for the land areas included in the district and what development constraints may exist. A specialized Contract Zone Overlay District (CZO) is also described. (More information about this type of district is provided in Section 9.) The district names and their abbreviations are as follows:

Downtown (**DT**)

Downtown Shoreland (**DTS**)

Commercial 1 (**C1**)

Commercial 2 (**C2**)

Commercial 3 (**C3**)

Commercial Fisheries And Maritime Activities Shoreland (**CFMA**)

Industry Development (**ID**)

Industry Development Shoreland Overlay (**IDO**)

Limited Residential Shoreland Overlay (**LRO**)

Limited Resource Protection Shoreland Overlay (**LRPO**)

Residential Growth (**RG**)

Resource Protection Shoreland Overlay (**RPO**)

Route 1 Shoreland (**RT1S**)

Route 15 Residential/Commercial (**RT15RC**)

Rural 1 (**R1**)

Rural 2 (**R2**)

Stream Protection Shoreland Overlay (**SPO**)

Tannery Brook Shoreland Overlay (**TBO**)

Village (**VIL**)

Section 7 also describes the town’s official zoning maps that identify the location and boundaries of each zoning district. Facsimiles of the maps are contained in an addendum to the land use ordinance (Addendum 1).

SECTION 8 Land Use Categories

Section 8 identifies all the land uses that are regulated by Appendix K. The uses are organized in 15 general categories, and the basic purpose of each category is described. The categories are listed alphabetically and are identified as follows:

- | | | |
|------------------------|------------------------|--------------------------|
| 8.5.1 Accessory Uses | 8.5.6 Industry Uses | 8.5.11 Professional Uses |
| 8.5.2 Assembly Uses | 8.5.7 Lodging Uses | 8.5.12 Rural Uses |
| 8.5.3 Education Uses | 8.5.8 Mercantile Uses | 8.5.13 Seasonal Uses |
| 8.5.4 Health Care Uses | 8.5.9 Municipal Uses | 8.5.14 Site Work Uses |
| 8.5.5 Housing Uses | 8.5.10 Production Uses | 8.5.15 Trade Uses |

Any land use that cannot be classified as one of the identified land uses in the above categories is considered a prohibited use. The code enforcement officer is responsible for classifying land uses.

SECTION 9 Land Uses: Allowed, Prohibited

Section 9 contains a series of tables that identify if the land uses regulated by this ordinance are allowed or prohibited in the districts identified in Section 7. A separate table is provided for each land use category identified in Section 8. A portion of one table is shown below to illustrate how information is displayed.

At the top of each table, the zoning districts are listed by abbreviation. The column under each district abbreviation contains information identifying if a land use listed in the table is allowed or not and, if it is allowed, what approval might be required. The letter “O” indicates that a use is allowed without any required approval. “L1” (Level 1) indicates that an application review and approval by the code enforcement officer is required. “L2” (Level 2) indicates that an application review and approval by the planning board is required. (More information about Level 1 and Level 2 reviews is found in Section 11 of the ordinance.) The letter “X” indicates that a use is prohibited.

DISTRICTS →	DT	DT S	C1	C2	C3	CF M A	ID	ID O	LR O	LR PO	RG	RP O	RT 1S	RT 15 RC	R1	R2	SP O	TB O	V I L
1.13 OUTDOOR RECREATION §13.2.13	O ↓	O ↓	O ↓	O ↓	X	O ↓	X	X	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓
1.13.1 INDIVIDUAL PRIVATE CAMPSITES	O	L1	O	O	X	X	X	X	L1	L1	O	L1	L1	O	O	O	L1	L1	O
1.13.2 PERMANENT SWIMMING POOLS/HOT- TUBS/ SAUNAS	L1	L1	L1	L1	X	X	X	X	L1	L1	L1	L2 A.11	L1	L1	L1	L1	L2 A.11	L1 A.11	L1
1.13.3 R.V. PARKING SITES/HOOK- UPS	O A.9	L1	O A.9	O A.9	X	X	X	X	L1	L1	O A.9	L2 A.11	L1	O A.9	O A.9	O A.9	L2 A.11	L1 A.11	O A.9

In each table, land use names are listed in the left-hand column. Primary land use names, which come from Section 8, are shown in bold print. In this example, **OUTDOOR RECREATION** (a land use from the category Accessory Uses) is the primary land use. If there are specific types of the primary land use that may be treated differently in certain zoning districts, these uses are listed in normal print directly below the primary land use name. For example, in the left-hand column of this table, 3 types of outdoor recreation uses are listed. The downward pointing arrows (↓) in the body of the table identify where there may be different approval requirements for these land use variations.

The tables also identify if there are development standards in the ordinance that only apply to a given land use. The location of the standard is shown in the left column directly under the land use name. In this example, specific standards that apply only to **OUTDOOR RECREATION** land uses are found in § (Subsection) **13.2.13** of the ordinance. For some land uses, there may also be limitations imposed when they are located in certain districts. These limitations are identified in footnotes listed below each table. In this table, there are two footnotes that apply, which are identified as **A.9** and **A.11** (the content of the footnotes is not shown in this example.)

Section 9 also contains a description of the process for establishing a Contract Zone District, which may be utilized to allow certain uses otherwise prohibited provided that certain conditions are met. Both the planning board and town council are required to review and act on the approval of a Contract Zone District.

SECTION 10 Land Use Changes: Review Classification

Section 10 describes how proposed changes to existing land uses are regulated. As with proposed new uses, some changes to existing uses may be exempt from review, while others may be subject to Level 1 (L1) review or Level 2 (L2) review. (More information about these two levels of review is found in Section 11 of the ordinance.) The code enforcement officer determines the level of review, except in certain cases where the required level of review is pre-established and listed in Section 10.

SECTION 11 Application Review

Section 11 identifies the information required for land use applications and the review procedures that are followed for Level 1 and Level 2 reviews. Basically, each application is reviewed for compliance with any applicable land use standards that are identified in Section 12, 13 and 14. An exception identified in Section 13.11.9 requires Mineral Extractions (gravel pits and quarries) to be reviewed for compliance with the standards found in Addendum 2 of Appendix K, instead of the standards in Sections 12 and 14.

Section 11 also identifies how application review fees are determined, and provides information about the issuance of permits and the permit expiration dates.

SECTION 12 General Land Use Standards

Section 12 contains general performance standards that are looked at during application reviews. The performance standards are designed to ensure that any land use does not have an unreasonable impact on the environment and other special areas, as well as abutting properties, and municipal services. All the standards are considered during an application review, but not all are likely to be applicable to any given land use being reviewed. The applicant is required to show that their proposed land use will comply with all applicable standards before it can be approved.

The standards are arranged in 4 categories. Each category includes those standards that are relevant to the theme of the category. The categories are:

Environment Standards (Standards that apply to the protection of water, soils, air, wildlife habitat and shoreline buffers.)

Special Area Standards (Standards that apply to the protection of historical areas, scenic value, shoreline access, flood hazard areas and areas with unique natural character.)

Local Area Standards (Standards that apply to the protection of abutting properties.)

Public Safety Standards (Standards that apply to the protection of municipal services.)

SECTION 13 Specific Land Use Standards

Section 13 contains standards that are only applicable to certain land uses. For example, kennels are subject to compliance with sanitary requirements in Section 13.13.3 that only pertain to that land use. As noted above, if any land use is subject to a specific standard, the tables of land uses in Section 9 will identify the location of the standard in Section 13.

SECTION 14 Dimensional Standards

Section 14 contains dimensional requirements that may apply to proposed land uses. These include minimum land area, street frontage, shoreline frontage, and setback requirements, as well as maximum lot coverage and height requirements. The standards are presented in a table format similar to the table of land uses in Section 9. Sections 14.2 through 14.8 describe exceptions that apply to certain land uses.

SECTION 15 Performance Criteria

Section 15 describes the final steps the reviewing authority must follow during an application review. The process requires that the reviewing authority determine if the applicant has proven compliance with each applicable category of standards in Sections 12, 13 and 14. If a positive finding is made in every case, the application is deemed to be approved. If a negative finding is made in at least one category, the application must be denied.

SECTION 16 Nonconformance

Section 16 addresses how nonconforming conditions are treated. Legal nonconforming conditions are allowed to continue, except as described in this section. A nonconforming condition exists if a lot, structure or land use fails to comply with one or more applicable standard of the ordinance.

SECTION 17 Waivers, Special Exceptions

Section 17 contains provisions allowing the waiver of some application review requirements, provided that certain conditions are met. Section 17 also identifies those requirements that cannot be waived under any circumstances.

Section 17 also contains provisions addressing the approval of one-family dwellings in a Resource Protection Shoreland Overlay District, which is the most restrictive zoning district in terms of what types of land uses can be allowed.

SECTION 18 Appeals

Section 18 describes the types of appeals that may be taken to the town's board of appeals. An administrative appeal deals with situations where a party disagrees with or believes an error has been made in a decision, action or lack of action by the code enforcement officer or planning board.

Variance appeals involve requests made for relief from any standard that cannot be met. Certain deadlines must be met in order to file for an appeal.

SECTION 19 Enforcement

Section 19 describes the process the code enforcement officer must follow when enforcing the provisions of Appendix K. A violation that cannot be resolved with the cooperation of the landowner may be prosecuted in court or, in some cases, resolved by entering into an administrative consent agreement between the town and landowner.

SECTION 20 Definitions

Section 20 includes definitions for over 240 terms found in Appendix K, including most of the land uses identified in Section 8. Some land use definitions include examples of uses that would be classified under the defined term. For example, the definition for “Store” includes 41 types of businesses that would be classified as stores for review purposes.

Addendum 1 contains facsimiles of the town’s official zoning maps. The official maps can be viewed at the Bucksport Town Office.

Addendum 2 contains standards to be reviewed specifically for mineral extraction operations in lieu of the standards in Sections 12 and 14.



We have tried to make this ordinance as user-friendly as possible and hope that this guide has been helpful. We realize that understanding and applying the provisions contained in any land use and zoning ordinance can be challenging at first for anyone unfamiliar with how these ordinances are written, so please feel free to contact the code enforcement officer with any questions at ceo@bucksportmaine.gov or 469-7368.

Questions may also be posed to the Bucksport Planning Board. The board meets at 6:30pm on the first Tuesday of each month. A public comment period is offered at every meeting for the public to talk or inquire about land use topics. No appointment is necessary.

Thank you for your interest in learning about land use regulations in the Town of Bucksport!