

ARTICLE 5 – ZONING DISTRICT REGULATIONS

402.5.1 Basic Requirements for Compliance with Codes and Ordinances

Permitted Uses and Conditional Permitted Uses in all districts shall conform to all applicable specifications and requirements of this Zoning Ordinance. A Plumbing Permit, Building Permit, and/or Certificate of Occupancy shall be required for all buildings, uses of land and buildings, and sanitary facilities, according to the provisions of this ordinance and all other applicable codes, ordinances, and laws of the Town of Gray and the State of Maine.

402.5.2 Legal Rights and Responsibilities to Uses of Land and Property

The Uses listed in this Zoning Ordinance are divided into four categories:

- A. Permitted Uses are “by right” provisions that require no special review or approval other than standard building permits for most projects, and Planning Board site plan review when the proposed development falls within the thresholds for site plan review based on the type of use and/or the scale of development.
- B. Conditional Permitted Uses are permitted whenever the Planning Board determines upon review that the Conditional Use criteria have been met. The burden is on the applicant to demonstrate that proposed development meets the Conditional Use criteria, but upon satisfactory demonstration of compliance with the criteria, and subject to any conditions applied by the Planning Board to meet those specific criteria, Conditional Permitted Uses have the same inherent rights under the Zoning Ordinance as Permitted Uses.
- C. Prohibited Uses include any use not specifically listed as a Permitted Use or a Conditional Permitted Use. All unlisted land uses are prohibited on all lots and property in Gray unless specifically provided for by State law and regulated by the State (e.g., forestry).
- D. Similar Uses are uses that are variations of Permitted or Conditional Permitted Uses that develop over time through market and/or technological changes and do not fit precisely in the ordinance list of uses. This Zoning Ordinance grants to the Planning Board authority to determine that a use similar to but not specifically listed as a Permitted or Conditional Permitted Use can be approved by the Planning Board subject to the Conditional Use Criteria of Article 9.

402.5.3 District Regulations

Land uses permitted in each district, in conformance with the General Performance Standards in Articles 6 and where applicable, the Specific Performance Standards of Articles 7 and 8 are shown in the following table:

Key: P - Permitted Use

C - Conditional Permitted Use: requires Planning Board review under Article 9 if classified as a Major Development under Article 10 (Section 402.10.6). Minor Developments are treated as Permitted Uses.

‡ - Subject to Specific Performance Standards in Article 7.

* - Subject to Specific Performance Standards in Article 8.

TABLE 402.5.3 TABLE OF PERMITTED USES AND CONDITIONAL PERMITTED USES

		RRA	LD *	MD	BD-1	BD-2	C	VC *	VCP *	BT-1 *	BT-2 *	WH-1 *	WH-2 *	LMOD	CSES OD
1.	Accessory Dwelling Unit ‡#	P	P	P	P	P	P	P	P	P	P	P	P		
2.	Accessory Uses and Structures	P	P	P	P	P	P	P	P	P	P	P	P		
3.	Adult Business*						C								
4.	Agritourism Center*	C													
5.	Agritourism Facility*	C													
6.	Animal Husbandry	P	P		C	C	C				C		C		
7.	Auto Body Shop				C	C	C								
8.	Auto Repair Garage						C								
9.	Auto Service Station				C	C									
10.	Bed and Breakfast ‡	C	C	C	P	P	P	P	P	P	C		C		
11.	Building Trades Occupations – 1	P	P	P	P	P	P	P	P	P	P	C	P		
12.	Campground ‡	C	C												
13.	Caregiver Retail Stores‡				C	C	C	C							
14.	Cemetery	P					C								
15.	Church	P	P	P	P	P	C	C	C	C	C		C		
16.	Commercial Recreation - Indoor or Outdoor	C	C		C	C	C	C	C	C	C		C		
17.	Community Living Arrangement	P	P	P	P	P	P	P	P	P	P	P	P		
18.	Construction Services				P	P					C		C		
19.	Day Care Facility for Five (5) or fewer clients.	P	P	P	P	P	P	P	P	P	P		P		
20.	Day Care Facility for Six (6) or more	C	C	C	C	C	C			C	C		C		
21.	Drive Through and Drive in Facility					¹ C	C			C	C		C		

++ Subject to performance standards in Articles 6, 7 and/or 8. #Subject to performance standards in 402.10.14, 402.7.23, 402.7.9 as applicable.

1. Drive through and drive in facilities are allowed only as an accessory use to the permitted and conditional uses in the Business Development 2 District; see Section 402.8.8(A).

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		RRA	LD *	MD	BD-1	BD-2	C	VC *	VCP *	BT-1 *	BT-2 *	WH-1 *	WH-2 *	LMOD	CSES OD
22.	Expansion of Nonconforming Uses	C	C	C	C	C	C	C	C	C	C	C	C		
23.	Farm Stand ‡	P	P	P	P	P	P	P	P	P	P		P		
24.	Farmers' Market ++	P	P	P	P	P	P	P	P	P	P		P		
25.	Flea Market, Open Air Market ‡	C	C	C	C		C	P	P						
26.	Garage Sale	P	P	P	P	P	P	P	P	P	P	P	P		
27.	General Agriculture	P		P	P	P	P				C		C		
28.	Headquarters for a Contracting Business	C	C	C	P	P					C		C		
29.	Helipoint	C	C		C	C									
30.	Home Occupation ‡	P	P	P	P	P	P	P	P	P	P	C	P		
31.	Hotel and Motel				C	C	C			C					
32.	In-Home Offices‡	P	P	P	P	P	P	P	P	P	P	P	P		
33.	Kennels	C	C				C						C		
34.	Light Manufacturing				P	P								P/C	
35.	Manufacturing and Processing				C	C									
36.	Mechanical Repair Garages	C			P	P	C								
37.	Medical Facility	C	C	C		C	C	C	C	C					
38.	Mineral Excavation	P	P	P	P	P	P								
39.	Mineral Exploration	C			P	P		P	P		P	P	P		
40.	Mobile Vendor	P	P	P	P	P	P	P	P	P					
41.	Motel (< 11 rooms)	C	C			C									
		RRA	LD *	MD	BD-1	BD-2	C	VC *	VCP *	BT-1 *	BT-2 *	WH-1 *	WH-2 *	LMOD	CSES OD
42.	Multi-family Development#			C	C	C	C	C	C	C					

++ Subject to performance standards in Articles 6, 7 and/or 8. #Subject to performance standards in 402.10.14, 402.7.23, 402.7.9 as applicable.

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43.	Multi-family Dwelling	C	C	C	C	C	C	C	C	C	C	C	C		
44.	Municipal Uses	C	C		C	C	C	C	C	C	C		C		
45.	Nursing and Convalescent Home	C	C	C	C	C	C			C					
46.	Office			C	P	P	P	P	P	C	C		C		
47.	Personal Services				C	C	C	C	C	C					
48.	Planned Unit Development ‡				C	C	C	C	C	C					
49.	Places for Public Assembly, Indoor and Outdoor	C	C		C	C		P	P						
50.	Private Assembly				C	C	C	C	C						
51.	Private Landing Strips for Personal Aircraft ‡	C			C	C									
52.	Public Utilities	C	C	C	C	C	C	C	C	C	C	C	C		
53.	Redemption Center						C			C			P		
54.	Registered Caregiver*				C	C	C	C							
55.	Registered Caregiver Cultivation Area*				C	C	C	C							
56.	Repair Service				P	P	C	P	P		C		C		
57.	Research Facility				C	C		C	C						
58.	Residential Open Space Subdivisions	P	P	P											
59.	Restaurant				P	P	C	P	P	C	C				
60.	Retail Trade				P	P	C	P	P	C	C		C		
61.	School	P	P	P		C	C	C	C	C	C		C		
62.	Self-Storage Facility													C	
63.	Single-Family Dwelling#	P	P	P	P	P	P	P	P	P	P	P	P		
64.	Solar Energy System, Commercial (Medium and Large-Scale) ++														C

++ Subject to performance standards in Articles 6, 7 and/or 8. #Subject to performance standards in 402.10.14, 402.7.23, 402.7.9 as applicable.

1. Drive through and drive in facilities are allowed only as an accessory use to the permitted and conditional uses in the Business Development 2 District; see Section 402.8.8(A).

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65.	Solar Energy System, Private ++	P	P	P	P	P	P	P	P	P	C		C		
66.	Similar Uses	C	C	C	C	C	C	C	C	C	C	C	C		
67.	Tavern					C	C	C	C						
68.	Trucking Terminal				C	C									
69.	Two-Family Dwelling#	P	P	P	P	P	P	P	P	P	P	P	P		
70.	Warehousing				P	P								P/C	
71.	Wholesale Trade				C	C		P	P						

++ Subject to performance standards in Articles 6,7, and/or 8 #Subject to performance standards in 402.10.14, 402.7.23, 402.7.9 as applicable

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1. Drive through and drive in facilities are allowed only as an accessory use to the permitted and conditional uses in the Business Development 2 District; see Section 402.8.8(A).

402.5.4 Districts Dimensional Requirements

Lots and structures in all districts shall meet or exceed the following minimum requirements.

TABLE 402.5.4 A - LOT DIMENSION & DENSITY STANDARDS

ZONING DISTRICT	Minimum Lot Area	Minimum Street Frontage^C	Minimum Area Per Dwelling Unit (Town Water)	Minimum Area Per Dwelling Unit (Private Well)	Maximum Impervious Surface
RRA	80,000 sq. ft.	200 ft.	40,000 sq. ft.	40,000 sq. ft.	N/A
LD	80,000 sq. ft.	200 ft.	N/A	80,000 sq. ft.	N/A
MD	40,000 sq. ft. ^A (80,000)	150 ft.	20,000 sq. ft.	40,000 sq. ft.	N/A
BD-1	80,000 sq. ft.	200 ft.	40,000 sq. ft.	40,000 sq. ft.	50 %
BD-2	80,000 sq. ft.	200 ft.	40,000 sq. ft.	40,000 sq. ft.	85 %
C	40,000 sq. ft.	200 ft.	20,000 sq. ft.	40,000 sq. ft.	65 %
VC	20,000 sq. ft.	40 ft.	10,000 sq. ft.	10,000 sq. ft.	75 %
VCP	20,000 sq. ft.	40 ft.	10,000 sq. ft.	10,000 sq. ft.	75 %
BT-1	40,000 sq. ft.	150 ft.	20,000 sq. ft.	40,000 sq. ft.	50 %
BT-2	40,000 sq. ft.	150 ft.	20,000 sq. ft.	40,000 sq. ft.	^B 10 (30) %
WH-1	4 Acres	200 ft.	4 Acres	4 Acres	^B 10 (30) %
WH-2	4 Acres	200 ft.	4 Acres	4 Acres	^{B, D} 10 (30) %

^A Lots in MD District not served by public water require 80,000 square feet of lot area.

^B Impervious surface and lot coverage in BT-2, WH-1, & WH-2 Districts can be increased to 30% of lot with Planning Board approval subject to the requirements of Section 402.8.4 L for recharge protection.

^C In accordance with Tables 402.5.4.A & B of the Zoning Ordinance, the Planning Board shall have the authority to reduce the minimum street frontage to fifty (50) percent of the required frontage but in no case less than sixty (60) feet of street frontage, whichever is greater, for lots in a Planning Board approved residential subdivision for one or more lots having street frontage only on a cul-de-sac. In such instances, street frontage shall be measured along the outside radius of the cul-de-sac. Lots which have any street frontage not on a cul-de-sac radius as well as lots in a commercial subdivision shall not be eligible for reduced street frontage.

^D For the purposes of issuing a permit for a project to install a commercial medium or large-scale ground-mounted solar energy installation, calculations relating to the impervious surface shall include only the foundation or base supporting the solar panel arrays provided that the maximum size of any individual solar panel is thirty (30) square feet when measured horizontally.

TABLE 402.5.4 B - BUILDING CONSTRUCTION SPATIAL STANDARDS

ZONING DISTRICT	Maximum Lot Coverage	^{l, h} Minimum Lot Line Setback Front	ⁱ Minimum Lot Line Setback Side	ⁱ Minimum Lot Line Setback Rear	^{a, i} Maximum Building Height
RRA	^{f, g, h} 10 %	50 ft.	^b 25 (15) ft.	50 ft.	35 ft.
LD	20 %	50 ft.	^b 25 (15) ft.	50 ft.	35 ft.
MD	15 %	50 ft.	^b 20 (15) ft.	20 ft.	35 ft.
BD-1	50 %	50 ft.	^b 25 (15) ft.	50 ft.	^c 35 (53) ft.
BD-2	85 %	^e 25 ft.	^e 0 ft.	^e 15 ft.	^c 35 (53) ft.
C	50 %	10 ft.	15 ft.	20 ft.	^c 35 (53) ft.
VC	75 %	10 ft.	0 ft.	10 ft.	35 ft.
VCP	75 %	0 ft.	0 ft.	0 ft.	35 ft.
BT-1	50 %	25 ft.	^d 15 (10) ft.	20 ft.	35 ft.
BT-2	10 (30) %	25 ft.	^d 15 (10) ft.	20 ft.	35 ft.
WH-1	10 (30) %	50 ft.	^b 25 (15) ft.	50 ft.	35 ft.
WH-2	10 (30) %	50 ft.	^b 25 (15) ft.	50 ft.	35 ft.

^a Height requirements do not apply to flagpoles, chimneys, transmission towers, steeples, windmills or similar structures usually erected at a greater height than the principal building; however such accessory structures or appurtenances require a lot line setback distance of no less than its height.

^b Side setback for non-conforming lots of record in RRA, LD, MD, BD-1, WH-1, & WH-2 Districts is 15 feet.

^c Maximum building height in BD-1, BD-2, and C is 53 feet if public water is available and at least two sides of the building are accessible by fire apparatus.

^d Side setback in BT Districts is 10 feet if not abutting a residential property.

^e For any lot in a BD-2 District, the setback for any property line(s) that abuts another district, including BD-1, shall meet the minimum setback(s) for either the abutting district or BD-1, whichever is less restrictive.

^f For commercial medium and large-scale ground-mounted solar energy system installations, lot coverage shall be measured by the total surface area of the solar panel/array at maximum tilt provided that the maximum size of any individual solar panel is thirty (30) square feet when measured horizontally (see figure 402.8.10.D.1)

^g Lot coverage in RRA can be increased to 30% for any portion of a parcel in the Commercial Solar Energy Overlay District and only for commercial medium and large-scale ground mounted solar energy system installations provided that the maximum size of any individual solar panel is thirty (30) square feet when

measured horizontally. Planning Board approval subject to the requirements of Section 402.8.4 L for recharge protection is required.

- h. Setbacks for Commercial Solar Energy Production Sites are as established in 402.8.10 of this Ordinance. Setbacks for Private Solar Energy Systems are as established in 402.6.12 of this Ordinance.
- i. Subject to standards in 402.7.22, storage sheds with a footprint of 160 sq. ft. or less are subject to reduced setbacks.