

Part 3
Article III

§ 300-316 **Overlay Districts.**

§ 300-316.1 **Shoreland Districts.**

[Amended 6-20-1994 by Ord. No. 546; 5-17-2004 by Ord. No. 72]

(Text in Green is shared between the MDEP and Augusta Ordinances. Red underline are adds, red strikeouts are deletes.)

A. General provisions.

- (1) All land use activities, as indicated in Attachment 4, Land Uses in the Shoreland Zone ~~the tables that follow~~, shall conform with all of the applicable land use standards outlined in Part 5. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Shoreland Overlay Zones

LR – Limited Residential

RP – Resource Protection

GD – General Development

LC – Limited Commercial

(+) SP – Stream Protection

- (2) Dimensional requirements.

(a) Minimum dimensional requirements as listed in § **300-528** may be superseded by stronger standards based on the specifics of the site and with respect to slope and soil conditions in accordance with § **300-506D**.

(b) In no case shall lots created in a subdivision in the Shoreland District, after July 14, 1990, have a lot depth to shore frontage ratio of greater than five to one, pursuant to 30-A M.R.S.A. § 4404, Subsection 17.

- (3) A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. § 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them: [The DEP has determined that "adjacent," as used in Subsection **A(3)**, means within 75 feet.]

(a) Dredging, bulldozing, removing or displacing soil, sand, vegetation or other

materials;

- (b) Draining or otherwise dewatering;
- (c) Filling, including adding sand or other material to a sand dune; or
- (d) Any construction or alteration of any permanent structure.

B. Limited Residential District (LR).

(1) Purpose. The LR District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and it includes areas which are used less intensively than those in the Limited Commercial District, or the General Development District.

(2) Uses. (NOTE: USES MOVED TO CHART FORMAT, SEE ATTACHED)

(a) Uses by right; no permit needed; all applicable land use standards must be met:

- [1] Nonintensive recreational uses not requiring structures, such as hunting, fishing and hiking.
- [2] Motorized vehicular traffic on existing roads and trails.
- [3] Forest management activities, including timber harvesting. (CONSIDER REPEALING, PLACE UNDER JURISDICTION OF THE MAINE FOREST SERVICE)
- [4] Clearing or removal of vegetation for activities other than timber harvesting. approved construction and other permitted uses.
- [5] Fire-prevention activities.
- [6] Wildlife management practices.
- [7] Soil and water conservation practices.
- [8] Surveying and resource analysis.
- [9] Agriculture.
- [10] Emergency operations.
- [11] Mineral exploration less than 100 square feet total disturbed surface area.
- [12] Service drops, as defined, to permitted uses.
- [13] Utilities and communications facilities as outlined in § **300-525A**. (DIFFERENT THAN MDEP)

[14] Filling and earthmoving of less than 10 cubic yards.

~~[14]~~[15] Land management roads. (DO NOT NEED TO ADD IF REPEALING TIMBER HARVESTING)

(b) Permitted uses requiring permit by CEO:

- [1] One- and two-family dwellings.
- [2] Structures accessory to permitted uses.
- [3] Small nonresidential facilities for educational, scientific, or nature interpretation purposes.
- [4] Signs. (PERMITTED USE IN MDEP, BUT ALL SIGNS REQUIRE A PERMIT IN AUGUSTA)
- [5] Temporary piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.
- [6] Individual, private campsite.
- [7] Filling and earthmoving of more than 10 cubic yards.
- [8] Uses similar to uses by right and uses requiring a CEO permit.
- [9] Home occupations. (MDEP NOTES THIS AS A PLANNING BOARD REVIEW)
- [10] Mineral exploration when more than 100 square feet total surface area disturbed.

(c) Permitted uses requiring permit by LPI:

- [1] Seasonal residence conversions to year-round residences.
- [2] Private sewage disposal systems for permitted uses.

(d) Conditional uses requiring Planning Board review; mandatory public hearing: (SHOULD (d) AND (e) BE COMBINED?)

- [1] Aquaculture.
- [2] Campgrounds.
- [3] Parking facilities.
- [4] Marinas.

- [5] Mineral extraction, including sand and gravel extraction.
- [6] Permanent piers, docks, wharfs, bridges and other uses and structures extending over or below the normal high-water line or within a wetland.
- [7] Public and private recreational areas with minimal structural development.
- (e) Uses requiring Planning Board approval; use criteria in § 300-603E(5)(e)[1] through [8]; public hearing not mandatory: (SHOULD (d) AND (e) BE COMBINED?)
 - [1] Multiunit residential.
 - [2] New essential services.
 - [3] New road construction.
 - [4] Uses similar to uses requiring Planning Board approval.

C. Resource Protection District (RP).

- (1) Purpose. The RP District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or areas with scenic and natural values. This district shall include the following areas when they occur within the limits of the Shoreland Zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Development Districts need not be included within the Resource Protection District:

- (a) Areas within 250 feet, horizontal distance, of the upland edge of freshwater and/or coastal wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) ~~as of and since January 1, 1973.~~ These areas are generally depicted on a Geographic Information System (GIS) data layer.

~~[1]—NOTE: The Natural Resources Protection Act, 38 M.R.S.A. §§ 480-A through 480-S, requires the Department of Environmental Protection to designate areas of significant wildlife habitat. Significant wildlife habitat includes:~~

~~[a]—Habitat for species appearing on the official state or federal lists of endangered or threatened species;~~

~~[b]—High and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife;~~

~~[c]—High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife;~~

~~[d]—Critical spawning and nursery areas for Atlantic Sea Run Salmon as defined by the Atlantic Sea Run Salmon Commission; and~~

~~[e]—Shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.~~

~~[2]—As these areas are mapped and development standards are established, the City of Augusta shall incorporate such areas and standards into this chapter.~~

- (b) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the ~~one hundred-~~ 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as "recent floodplain soils" (defined). This district shall also include ~~one hundred-~~ 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
- (c) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- (d) Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during normal spring high water.
- (e) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.
- (f) The following other areas which have been recommended for protection in the ~~1988 Growth Management-~~ 2007 Comprehensive Plan:
 - [1] Other I important wildlife habitat;
 - [2] Natural sites of significant scenic or aesthetic value;
 - [3] Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development; and
 - [4] Other significant areas which should be included in this district to fulfill the purposes of this chapter, such as but not limited to existing public access areas and certain significant archeological and historic sites

deserving of long-term protection as determined by the City of Augusta, after consultation with the Maine Historic Preservation Commission.

NOTE: As these areas are mapped and development standards are established, the City of Augusta shall incorporate such areas and standards into this chapter.

- (2) Uses. Unless specifically enumerated, principal structures, including residential dwelling units, commercial, industrial and institutional structures are prohibited in the RP District. Therefore, there are no dimensional requirements for new structures and uses within the district. Dimensional requirements for legally existing nonconforming uses and structures are listed in § 300-528. (NOTE: USES MOVED TO CHART FORMAT, SEE ATTACHED)
 - (a) Uses by right; no permit needed; all applicable land use standards must be met:
 - [1] Nonintensive recreational uses not requiring structures, such as hunting, fishing and hiking.
 - [2] Motorized vehicular traffic on existing roads and trails.
 - [3] Forest management activities. (CONSIDER REPEALING, PLACE UNDER JURISDICTION OF THE MAINE FOREST SERVICE)
 - [4] Fire-prevention activities.
 - [5] Wildlife management practices.
 - [6] Soil and water conservation practices.
 - [7] Surveying and resource analysis.
 - [8] Mineral exploration less than 100 square feet total surface area disturbed.
 - [9] Emergency operations.
 - [10] Service drops, as defined, to permitted uses.
 - (b) Permitted uses requiring permit by CEO:
 - [1] Timber harvesting if more than 75 feet back from the normal high-water line of great ponds. (CONSIDER REPEALING, PLACE UNDER JURISDICTION OF THE MAINE FOREST SERVICE)
 - [2] Signs. (PERMITTED USE IN MDEP, BUT ALL SIGNS REQUIRE A PERMIT IN AUGUSTA)
 - [3] Filling and earthmoving of less than 10 cubic yards.
 - [4] Clearing of vegetation for approved construction and other allowed uses.

- [5] Temporary piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.
- [6] Individual, private campsites.
- [7] Uses similar to uses by right and uses requiring a CEO permit.
- (c) Conditional uses requiring Planning Board review; use criteria in § 300-603E(5)(e): (SHOULD THESE REVIEWS INCLUDE ALL CONDITIONAL USE CRITERIA?)
 - [1] Agriculture.
 - [2] Aquaculture.
 - [3] Structures accessory to permitted uses.
 - [4] Uses similar to uses requiring a Planning Board permit.
 - [5] Small nonresidential facilities for educational, scientific or nature interpretation purposes.
 - [6] New essential services, unless restricted by performance standards.
 - [7] Public/private recreational areas involving minimal structural development.
 - [8] Permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.
 - [9] Filling and earthmoving activity of more than 10 cubic yards.
 - [10] Mineral extraction, including sand and gravel extraction, unless area is designated RP due to its wildlife values.
 - [11] Campgrounds and parking facilities, only if area is zoned RP due to floodplain criteria. (SEPARATED THESE ON THE NEW CHART)
 - [12] New road and driveway construction, only where no reasonable alternative route or location is available outside the RP area.
 - [13] Land management roads. (DO NOT NEED TO ADD IF REPEALING TIMBER HARVESTING)
 - [14] Home occupation (NOT ALLOWED IN AUGUSTA ORDINANCE)

D. General Development District (GD).

- (1) Purpose. The General Development District includes the following types of existing, intensely developed areas:
 - (a) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - [1] Areas devoted to manufacturing, fabricating or other industrial activities;
 - [2] Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - [3] Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, racetracks and fairgrounds.
 - (b) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.
 - (c) Portions of the General Development District may also include residential development. However, no area shall be designated as General Development District based solely on residential use.
 - (d) In areas adjacent to great ponds classified GPA (as defined) and adjacent to rivers ~~and perennial streams~~ flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this chapter. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent great ponds classified GPA, and adjacent to rivers ~~and perennial streams which that~~ flow to great ponds classified GPA.
- (2) Uses. (NOTE: USES MOVED TO CHART FORMAT, SEE ATTACHED)
 - (a) Uses by right; no permit needed; all applicable land use standards must be met:
 - [1] Nonintensive recreational uses not requiring structures, such as hunting, fishing and hiking.
 - [2] Forest management activities; timber harvesting. (CONSIDER REPEALING, PLACE UNDER JURISDICTION OF THE MAINE FOREST SERVICE)
 - [3] Motorized vehicular traffic on existing roads and trails.
 - [4] Home occupations. (REQUIRES CEO PERMIT IN AUGUSTA)
 - [5] Clearing of vegetation for approved construction and other permitted uses.

- [6] Fire-prevention activities.
- [7] Wildlife management practices.
- [8] Soil and water conservation practices.
- [9] Surveying and resource analysis.
- [10] Mineral exploration if less than 100 square feet surface area in total is disturbed.
- [11] Emergency operations.
- [12] Agriculture.
- [13] Aquaculture.
- [14] Service drops, as defined, to permitted uses.
- [15] Filling and earthmoving of less than 10 cubic yards.
- [16] Utilities and communications facilities as described in § 300-525A.

~~[16]~~ Land management roads. (DO NOT NEED TO ADD IF REPEALING TIMBER HARVESTING)

(b) Permitted uses requiring permit by CEO:

- [1] One- and two-family structures.
- [2] Individual, private campsites.
- [3] Signs. (PERMITTED USE IN MDEP, BUT ALL SIGNS REQUIRE A PERMIT IN AUGUSTA)
- [4] Small nonresidential facilities for educational, scientific, or nature interpretation purposes.
- [5] Filling and earthmoving of more than 10 cubic yards.
- [6] Structures accessory to permitted uses.
- [7] Temporary piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.
- [8] Public and private recreational areas involving minimal structural development.
- [9] Uses similar to uses by right and uses requiring a CEO permit.

[10] Commercial, industrial, government and institutional uses. (UNDER PLANNING BOARD IN MDEP)

(c) Permitted uses requiring permit by LPI:

[1] Conversions of seasonal residences to year-round residences.

[2] Private sewage disposal systems for allowed uses.

(d) Conditional uses requiring Planning Board review; public hearing required unless otherwise specified:

[1] Multiunit residential: review as subdivision; public hearing not mandatory.

[2] Permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.

[3] New essential services.

[4] New road construction.

[5] Parking facilities.

[6] Marinas.

[7] Campgrounds.

[8] Uses similar to uses requiring a Planning Board permit.

[8][9] Mineral extraction (NOT INCLUDED CURRENTLY, BUT MDEP VERISION HAS PB APPROVAL)

E. Limited Commercial District (LC).

(1) Purpose. The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. The district includes areas of two or more contiguous acres in size devoted to a mix of residential and low-intensity business and commercial areas. Industrial uses are prohibited.

(2) Uses. (NOTE: USES MOVED TO CHART FORMAT, SEE ATTACHED)

(a) Uses by right; no permit needed; all applicable land use standards must be met:

[1] Nonintensive recreational uses not requiring structures, such as hunting, fishing and hiking.

[2] Forest management activities and timber harvesting. (CONSIDER REPEALING, PLACE UNDER JURISDICTION OF THE MAINE

FOREST SERVICE)

- [3] Motorized vehicular traffic on existing roads and trails.
- [4] Clearing of vegetation for approved construction and other permitted uses.
- [5] Fire-prevention activities.
- [6] Wildlife management practices.
- [7] Soil and water conservation practices.
- [8] Surveying and resource analysis.
- [9] Mineral exploration if less than 100 square feet surface area in total is disturbed.
- [10] Emergency operations.
- [11] Agriculture.
- [12] Aquaculture.
- [13] Service drops, as defined, to allowed uses.
- [14] Filling and earthmoving of less than 10 cubic yards.

[15] Utilities and communications facilities as described in § 300-525A.

~~[15]~~[16] Land management roads. (DO NOT NEED TO ADD IF REPEALING TIMBER HARVESTING)

(b) Permitted uses requiring permit by CEO:

- [1] One- and two-family residential.
- [2] Structures accessory to permitted uses. (PERMITTED IN MDEP, BUT ALL STRUCTURES REQUIRE A PERMIT IN AUGUSTA)
- [3] Small nonresidential facilities for educational, scientific, or nature interpretation purposes.
- [4] Home occupations.
- [5] Signs. (PERMITTED USE IN MDEP, BUT ALL SIGNS REQUIRE A PERMIT IN AUGUSTA)
- [6] Temporary piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.

- [7] Public and private recreational areas involving minimal structural development.
- [8] Individual, private campsites.
- [9] Filling and earthmoving of more than 10 cubic yards.
- [10] Uses similar to uses by right and to uses requiring a CEO permit.
- [11] Mineral exploration when more than 100 square feet total surface area disturbed.

(c) Permitted uses requiring permit by LPI:

- [1] Private sewage disposal systems for allowed uses.
- [2] Conversions of seasonal residences to year-round residences.

(d) Conditional uses requiring Planning Board review; public hearing required unless otherwise specified:

- [1] Mineral extraction, including sand and gravel extraction.
- [2] Marinas.
- [3] Commercial uses.
- [4] Governmental and institutional uses.
- [5] Campgrounds.
- [6] Permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.
- [7] Parking facilities.
- [8] Uses similar to uses requiring a Planning Board permit.

(e) Public hearing not mandatory for the following uses; use criteria in § **300-603E(5)(e)[1]** through **[8]**:

- [1] New essential services.
- [2] Multiunit residential.
- [3] New road construction.

F. Stream Protection District (SP).

(1) Purpose.

- (a) The Stream Protection District includes all land areas within ~~100 feet (SP-100)~~ 75 feet, horizontal distance, of the normal high-water line of a stream ~~(as defined)~~, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of a great pond, or river ~~or saltwater body~~ or within 250 feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area is located within 250 feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the Shoreland District associated with that water ~~body-of water~~ or wetland.
- (b) The Stream Protection District also includes major and minor tributaries of streams (as defined) as well as drainageways depicted on the City's 200 scale topographic maps and/or the USGS Topographic Quadrangle maps. In the case of these tributaries and drainageways, the SP District has been reduced to land areas within 25 feet horizontal distance of the normal high-water line of the tributary and shall be considered the SP 50 District. In the SP 50 District, no less than a twenty-five-foot buffer shall be maintained adjacent to the tributary or drainageway. Such buffer shall not be disturbed except to remove safety hazards. If such a tributary or drainageway is determined, upon field investigation by the CEO, to be an intermittent stream, the required buffer may be reduced to 15 feet.

(2) Uses. (NOTE: USES MOVED TO CHART FORMAT, SEE ATTACHED)

- (a) Uses by right; no permit needed; all applicable shoreland standards must be met:
- [1] Nonintensive recreational uses not requiring structures, such as hunting, fishing and hiking.
 - [2] Timber harvesting. (CONSIDER REPEALING, PLACE UNDER JURISDICTION OF THE MAINE FOREST SERVICE)
 - [3] Motorized vehicular traffic on existing roads and trails.
 - [4] Forest management activities.
 - [5] Surveying and resource analysis.
 - [6] Fire-prevention activities.
 - [7] Emergency operations.
 - [8] Agriculture.
 - [9] Service drops to permitted uses.

[10] Wildlife management practices.

[11] Soil and water conservation practices.

~~[11]~~[12] Land management roads. (DO NOT NEED TO ADD IF REPEALING TIMBER HARVESTING)

(b) Permitted uses requiring permit by CEO:

[1] Clearing of vegetation for approved construction and other allowed uses.

[2] Temporary piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.

[3] Signs. (PERMITTED USE IN MDEP, BUT ALL SIGNS REQUIRE A PERMIT IN AUGUSTA)

[4] Individual, private campsites.

[5] Filling and earthmoving of less than 10 cubic yards.

[6] Uses similar to allowed uses.

[7] Uses similar to uses requiring CEO permit.

[8] One- and two-family dwellings; must obtain a variance if within 75 feet. (MDEP NOTES THIS AS A PLANNING BOARD REVIEW)

(c) Permitted uses requiring permit by LPI:

[1] Conversions of seasonal residences to year-round residences.

[2] Private sewage disposal systems for allowed uses.

(d) Conditional uses requiring Planning Board review:

[1] Small nonresidential facilities for educational, scientific, or nature interpretation purposes; must obtain a variance if within 75 feet.

[2] Permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.

[3] Home occupations.

[4] New essential services (with special restrictions, § 300-528).

[5] Public and private recreational areas involving minimal structural development.

- [6] Aquaculture.
- [7] Marinas.
- [8] New road construction.
- [9] Filling and earthmoving of more than 10 cubic yards.
- [10] Uses similar to uses requiring Planning Board permit.