

ITEM

24-007

To hold a Public Hearing to consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), to add Private Outdoor Recreational Improvements, as recommended by the Ordinance Committee

**Chapter 315 Revisions – Private Outdoor Recreational Improvements
(Draft 12/19/2023)**

ARTICLE I – TITLE, PURPOSE AND DEFINITIONS

§ 315-4 Word usage and definitions.

OUTDOOR RECREATIONAL FACILITY

- A. A place designed and equipped primarily for the conduct of nonmotorized outdoor sports, leisure-time activities, and other customary and usual recreational activities; by the general public and/or for commercial use, excluding boat launching facilities, amusement parks, and campgrounds, and which has the following characteristics:
- (1) The total area of all buildings and structures, parking lots and other nonvegetated surfaces shall not exceed 10% of the total lot area.
 - (2) Exterior lighting shall be used for the purpose of ensuring safe movement of people and vehicles but not to provide illumination for nighttime use of the outdoor activity.
- B. The above notwithstanding, nothing in this definition may be read to prohibit the continued use by snowmobiles of existing snowmobile trails.

PRIVATE OUTDOOR RECREATIONAL IMPROVEMENTS

Permanent improvements to a lot, accessory to an existing residential use, intended for the recreational or leisure-time use of the occupants of the property and their guests or invitees, that exceed 600 square feet in cumulative surface area. Examples of private outdoor recreational improvements include, but are not necessarily limited to skate parks, ice-skating rinks, basketball courts, tennis courts, pickleball courts, and all elements appurtenant to such improvements including light poles, fencing, nets, hoops, coolant tanks, condensers, and similar appurtenances. For the avoidance of doubt, a private outdoor recreational improvement need not contain a roof, sides, or other covering or enclosure in order to be subject to this Chapter. Patios, pavers, driveways that contain sporting equipment, temporary seasonal ice rinks, and similar ground coverings are not private outdoor recreational improvements.

STRUCTURE

Anything built for the support, shelter, or enclosure on at least two sides of persons, animals, goods, or property of any kind. All private outdoor recreational improvements are structures within the meaning of this Chapter.

ARTICLE II – ZONING DISTRICTS

§ 315-6 Rural Residential Districts (RR1 and RR2).

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- A. Rural Residential District 1 (RR1). The RR1 District requires larger minimum lot sizes than does the RR2 District on the basis of the results of the Community Groundwater Study, Cumberland, Maine, March 1989.

(1) The following uses are permitted in the RR1 District:

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(gg) Private Outdoor Recreational Improvements.

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- B. Rural Residential District 2 (RR2). The RR2 District requires a lesser minimum lot size than does the RR1 District on the basis of the results of the Community Groundwater Study, Cumberland, Maine, March 1989.

(1) The following uses are permitted in the RR2 District:

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(ff) Private Outdoor Recreational Improvements.

§ 315-7 Low-Density Residential District (LDR).

- A. The following uses are permitted in the LDR District:

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(21) Private Outdoor Recreational Improvements.

§ 315-8 Medium-Density Residential District (MDR).

- A. The following uses are permitted in the MDR District:

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(21) Private Outdoor Recreational Improvements.

§ 315-9 Village Medium-Density Residential District (VMDR).

- A. The following uses are permitted in the VMDR District:

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(18) Private Outdoor Recreational Improvements.

§ 315-10 Island Residential District (IR).

A. The following uses are permitted in the IR District:

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(23) Private Outdoor Recreational Improvements.

§ 315-11 Highway Commercial District (HC).

A. The following uses are permitted in the HC District:

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(42) Private Outdoor Recreational Improvements.

§ 315-12 Office Commercial North District (OC-N).

A. The following uses are permitted within the OC-N District:

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(19) Private Outdoor Recreational Improvements.

§ 315-13 Office Commercial South District (OC-S).

A. The following uses are permitted within the OC-S District:

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(19) Private Outdoor Recreational Improvements.

§ 315-14 Village Center Commercial District (VCC).

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B. The following uses are permitted within the VCC District:

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(35) Private Outdoor Recreational Improvements.

§ 315-15 Village Office Commercial I District (VOC I).

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B. The following uses are permitted within the VOC I District:

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| (24) Private Outdoor Recreational Improvements.

§ 315-16 Village Office Commercial II District (VOC II).

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C. The following uses are allowed as special exceptions in the VOC II District, requiring the approval of the Board of Adjustment and Appeals:

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| (21) Private Outdoor Recreational Improvements.

§ 315-17 Mixed-Use Zone (MUZ).

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B. The following uses are permitted within the MUZ District:

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| (27) Private Outdoor Recreational Improvements.

§ 315-18 Village Mixed-Use Zone (V-MUZ).

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B. The following uses are permitted in the V-MUZ District:

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| (20) Private Outdoor Recreational Improvements.

§ 315-19 **Industrial District (I).**

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- B. The following uses are allowed as special exceptions in the Industrial District, requiring the approval of the Board of Adjustment and Appeals:

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(6) Private Outdoor Recreational Improvements.

§ 315-20 **Rural Industrial District (RI).**

- A. The following uses are permitted in the Rural Industrial District:

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(26) Private Outdoor Recreational Improvements.

§ 315-21 **Town Center District (TCD).**

- A. The following uses are permitted in the TCD:

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(16) Private Outdoor Recreational Improvements.

ARTICLE VI – GENERAL REGULATIONS

§ 315-73 **Private Outdoor Recreational Improvements**

- A. Permit required. No private outdoor recreational improvement may be constructed or installed, nor may any excavation or ground work necessary for the construction or installation of a private outdoor recreational improvement occur, without first receiving a permit from the Code Enforcement Officer, or a special exception permit from the Board of Adjustment and Appeals, as specified in the underlying zoning district.
- B. Setbacks. All private outdoor recreational improvements shall be set back at least 25 feet from all property lines.
- C. Maximum lot coverage. In no event may the cumulative lot area occupied by private outdoor recreational improvements exceed 15%. Private outdoor recreational improvements in existence prior to the adoption of this section are included in this calculation.

D. Certain noise prohibited. No element of a private outdoor recreational improvement, nor the use of such improvement by any individual, may cause noise in excess of 60 decibels that is perceptible at the subject lot's boundaries, before the hour of 8:00 A.M. or after the hour of 10:00 P.M. In order to be subject to enforcement, such noise shall be inherently and recurrently generated and the level of such noise must be measured by a sound level meter manufactured according to the standards prescribed by the American National Standards Institute.

E. Excessive illumination prohibited. A private outdoor recreational improvement may not be lit or illuminated by artificial means before the hour of 6:00 am or after the hour of 9:00 P.M. in excess of zero foot-candles (one lumen per square foot) as measured at the lot boundaries.