

**SUBCHAPTER II – RESIDENTIAL DISTRICTS**

**DIVISION A – (RESERVED)**

[Derivation: Ord. No. 12-10, eff. 10/19/2012]

**SECTIONS 9-211 THROUGH 9-230 (Reserved)**

**DIVISION B – MEDIUM DENSITY RESIDENTIAL DISTRICT (R1)**

**SECTION 9-231      PURPOSE (R1)**

To provide residential areas with medium density single and multiple family housing and neighborhood facilities, to provide opportunities for home businesses, to allow offices in buildings that are primarily residential, to provide a variety of types and styles of housing available to families of different sizes and different incomes, and to prevent uses which would depreciate the value or abuse the character of residential neighborhoods.

[Derivation: Ordinance No. 99-4 Effective August 19, 1999; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-232      DESCRIPTION (R1)**

The Medium Density Residential District (R1) shall generally include the densely developed residential neighborhood adjacent to Downtown including most of the land in the Water and Middle Street neighborhood.

The boundaries of the Medium Density Residential District (R1) are shown on the Official Zoning Map.

[Derivation: Ordinance No. 99-4 Effective August 19, 1999; Ord. No. 05-04, Effective June 23, 2005; Ord. No. 12-01, eff. 1/19/2012; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-233      PERMITTED USES (R1)**

Permitted uses in the Medium Density Residential District are:

1. Accessory buildings and structures;
2. Duplexes;
3. Essential services; and
4. Single family dwellings.

[Derivation: Ordinance No. 99-4 Effective August 19, 1999; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-234**      CONDITIONAL USES (R1)

Conditional uses in the Medium Density Residential District (R1) are:

1. Bed and Breakfast Establishments;
2. Boarding Homes;
3. Business and Professional Offices only in buildings that are predominantly residential. The total floor area used for office use shall not be more than twenty-five (25) percent of the gross floor area of the building;
4. Child Care Centers or Homes;
5. Churches, Parish Houses, Rectories, Convents;
6. Community Centers;
7. Home Occupations;
8. Multi-Family Residences (including both rental and condominium units);
9. Municipal Uses or Public Buildings;
10. Nursing Homes;
11. Parks & Playgrounds;
12. Planned Unit Developments;
13. Public Library;
14. Public and Private Schools;
15. Public Utility;
16. Recreational Facilities;
17. Schools; and
18. Accessory Dwelling Units.

[Derivation: Ordinance No. 99-4 Effective August 19, 1999; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-235**      NON-PERMITTED USES (R1)

Any use not permitted in Sections 9-233 and 9-234 above.

[Derivation: Ordinance No. 99-4 Effective August 19, 1999; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-236**      DIMENSIONAL REQUIREMENTS (R1)

The following dimensional requirements apply to the uses allowed in this district, including the expansion of existing uses, the conversion of one use to another use, and new uses.

1. Minimum Land Area in square feet
  - A. Residential:

Single family dwelling	5,000
Duplex	8,000 (4,000 per unit)
Multifamily residence	4,000 per dwelling unit
  - B. All other (per use): 5,000.
2. Minimum setback from street right-of-way: 10 feet. The setback from the street right-

of-way of any structure may be reduced to less than the required minimum setback to reflect a uniform setback of existing buildings along the street. The reduced minimum setback shall be calculated by obtaining the average street setback of buildings found next to both sides of the property, along the same side of the street for a distance of at least two hundred (200) feet in each direction as measured from the property line. The minimum setback for buildings and structures from the street right-of-way may be reduced to the calculated average existing setback.

3. Minimum side yards: 5 feet except 15 feet for new multifamily residences and new non-residential uses.
4. Minimum rear yards: 15 feet.
5. Minimum street frontage: 50 feet on a public or private road.
6. Minimum lot depth: 75 feet.
7. Maximum building height: 35 feet. The maximum height of any structure may be increased to reflect a uniform height of existing buildings along the street. This shall be calculated by obtaining the average height of buildings found next to both sides of the property, along the same side of the street for a distance of at least 200 feet in each direction as measured from the property line. The building height may be increased to the average height; however, in no case shall it be more than 8 feet higher than the buildings abutting the property.
8. Minimum roof pitch: 23 degrees for all uses.
9. Notwithstanding the above, the dimensional requirements herein shall not apply to structures used exclusively to facilitate the supply and distribution of water by a public utility.

[Derivation: Ordinance No. 99-4, eff. August 19, 1999; Ord. No. 00-7, eff. April 20, 2000; Ord. No.: 03-03, eff. March 21, 2003; Ord. No. 03-18, eff. October 24, 2003; Ord. No. 08-12, eff. 11/20/08; Ord. No. 10-01, eff. February 18, 2010; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-237**      PERFORMANCE STANDARDS (R1)

Permitted and Conditional Uses allowed in this district shall be subject to the performance standards contained in Subchapter VI of this Chapter.

In addition to the requirements of Section 9-236, any new principal building shall conform to the following standards. The modification of any existing building that increases the building footprint or the gross floor area of the building existing as of April 1, 2012 by more than fifty percent (50%) or any building in which the principal use is changed shall conform to these design standards to the extent practical as determined by the Planning Board:

1. Building setback – The building must be located on the lot in a manner that

maintains the established pattern of development in the immediate neighborhood. Locating the front wall of the building significantly further from the street than other buildings in the same block is not appropriate.

2. Building height – The height and mass of the building must be compatible with the height and mass of buildings in the immediate neighborhood. Building a single story building in an area where the predominate pattern is multi-story buildings is inappropriate.
3. Parking lot location – Any parking lot with space for five (5) or more vehicles must be located to the side or rear of the building so that any parking space is further from the front property line than the front wall of the principal building.
4. Architectural style of the building – The architectural character of new or expanded buildings shall be similar to existing residential buildings in the district and the designated Historic District. Unless the property is subject to the Historic District provisions, this standard does not require that new buildings look like the existing buildings but the overall mass and scale of the buildings as well as the placement of windows and the treatment of the front façade should reflect the character of the existing buildings.

[Derivation: Ordinance No. 99-4 Effective August 19, 1999; [Derivation: Ord. No. 12-10, eff. 10/19/2012]

**SECTIONS 238 THROUGH 250** (Reserved)

[Derivation: Ord. No. 12-10, eff. 10/19/2012]

**DIVISION C – MODERATE DENSITY RESIDENTIAL DISTRICT (R2)**

**SECTION 9-251** PURPOSE (R2)

To provide residential areas for moderate density single and duplex housing and neighborhood facilities, to provide opportunities for home businesses, to allow offices which do not generate high volumes of traffic, to provide a variety of types and styles of housing available to families of different sizes and different incomes, and to prevent uses which would depreciate the value or abuse the character of residential neighborhoods.

[Derivation: Section 4.3(A), 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-252** DESCRIPTION (R2)

The Moderate Density Residential District (R2) generally includes the established moderate density residential neighborhoods extending up the hill on both sides of Central Street and the residential area in the Greenville neighborhood.

The boundaries of the Moderate Density Residential District (R2) are shown on the Official Zoning Map.

[Derivation: Section 4.3(B), 1989 Zoning Ordinance, amended by Ord. 98-1, 5/21/98; Ord. No. 11-03, eff. 8/18/2011; Ord. No. 12-01, eff. 1/19/2012; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-253**      PERMITTED USES (R2)

Permitted uses in the Moderate Density Residential District are:

1. Accessory buildings and structures;
2. Duplexes;
3. Essential services; and
4. Single family dwellings.

[Derivation: Section 4.3(C), 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-254**      CONDITIONAL USES (R2)

Conditional uses in the Moderate Density Residential District are:

1. Bed and Breakfast Establishments;
2. Boarding Homes;
3. Business and Professional Offices only in buildings that are predominantly residential. The total floor area used for office use shall not be more than twenty-five (25) percent of the gross floor area of the building;
4. Child Care Centers or Homes;
5. Churches, Parish Houses, Rectories, Convents;
6. Community Centers;
7. Home Occupations;
8. Municipal Uses or Public Buildings;
9. Multi-Family Dwellings, Condominiums and Rental Units;
10. Nursing Homes;
11. Parks & Playgrounds;
12. Planned Unit Developments;
13. Public Library;
14. Public and Private Schools;
15. Public Utility;
16. Recreational Facilities;
17. Schools; and
18. Accessory Dwelling Units.

[Derivation: Section 4.3(D), 1989 Zoning Ordinance, amended by Ord. 98-1, 5/21/98; Ordinance No.: 03-16, Effective: September 18, 2003; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-255**      NON-PERMITTED USES (R2)

Any use not permitted in Sections 9-253 and 9-254 above.

[Derivation: Section 4.3(E), 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-256**      DIMENSIONAL REQUIREMENTS (R2)

The following dimensional requirements apply to the uses permitted in this district, including the expansion of existing uses, the conversion of one use to another use, and new uses.

1.      Minimum Land Area in square feet
  - A.      Residential:

Single family dwelling	10,000
Duplex	15,000 (7,500 per unit)
Multifamily residence	7,500 per dwelling unit
  - B.      All other (per use): 10,000.
2.      Minimum setback from street right-of-way: 20 feet. The setback from the street right-of-way of any structure may be reduced to less than the required minimum setback to reflect a uniform setback of existing buildings along the street. The reduced minimum setback shall be calculated by obtaining the average street setback of buildings found next to both sides of the property, along the same side of the street for a distance of at least two hundred (200) feet in each direction as measured from the property line. The minimum setback for buildings and structures from the street right-of-way may be reduced to the calculated average existing setback.
3.      Minimum side yards: 10 feet except 15 feet for new multifamily residences and new non-residential uses.
4.      Minimum rear yards: 25 feet.
5.      Minimum street frontage: 75 feet on a public or private road.
6.      Minimum lot depth: 100 feet.
7.      Maximum building height: 35 feet. The maximum height of any structure may be increased to reflect a uniform height of existing buildings along the street. This shall be calculated by obtaining the average height of buildings found next to both sides of the property, along the same side of the street for a distance of at least 200 feet in each direction as measured from the property line. The building height may be increased to the average height; however, in no case shall it be more than 8 feet higher than the buildings abutting the property.
8.      Minimum roof pitch: 23 degrees for all uses.

9. Notwithstanding the above, the dimensional requirements herein shall not apply to structures used exclusively to facilitate the supply and distribution of water by a public utility.

[Derivation: Section 4.3(F), 1989 Zoning Ordinance as amended May 13, 1991; Ord. No. 00-7 Effective April 20, 2000; Ordinance No.: 00-08, eff. 4/20/00; Ord. No.: 03-03, eff. 3/21/03; Ord. No. 08-12, effective 11/20/08; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-257      PERFORMANCE STANDARDS (R2)**

Permitted and Conditional Uses allowed in this district shall be subject to the performance standards contained in Subchapter VI of this Chapter.

In addition to the requirements of Section 9-256, any new principal building shall conform to the following standards. The modification of any existing building that increases the building footprint or the gross floor area of the building existing as of April 1, 2012 by more than fifty percent (50%) or any building in which the principal use is changed shall conform to these design standards to the extent practical as determined by the Planning Board:

1. Building setback – The building must be located on the lot in a manner that maintains the established pattern of development in the immediate neighborhood. Locating the front wall of the building significantly further from the street than other buildings in the same block is not appropriate.
2. Building height – The height and mass of the building must be compatible with the height and mass of buildings in the immediate neighborhood. Building a single story building in an area where the predominate pattern is multi-story buildings is inappropriate.
3. Parking lot location – Any parking lot with space for five (5) or more vehicles must be located to the side or rear of the building so that any parking space is further from the front property line than the front wall of the principal building.

[Derivation: Section 4.3(G), 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

**SECTIONS 9-258 THROUGH 9-270 (Reserved)**

**DIVISION D – RESIDENTIAL DEVELOPMENT DISTRICT (R3)**

**SECTION 9-271      PURPOSE (R3)**

To provide areas for the development of new moderate density residential neighborhoods that provide a variety of housing options including single-family homes, duplexes, and multifamily housing. These areas should be connected to downtown, schools, and open spaces. To encourage planned development, projects that prepare a master plan

demonstrating compatibility with the surrounding neighborhood should be allowed to develop at a somewhat higher density.

[Derivation: Ord. No. 98-1, eff. 5/21/98; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-272**      DESCRIPTION (R3)

The Residential Development District (R3) shall generally include the developable land south of Mayflower and Academy Streets, the land along the City line near Ridge Road, and the area along both sides of Winthrop Street west of Stevens School.

The boundaries of the Residential Development District (R3) are shown on the Official Zoning Map.

[Derivation: Ord. No. 98-1, eff. 5/21/98; Ord. No.: 09-09, Effective: December 17, 2009; Ord. No. 12-01, eff. 1/19/2012; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-273**      PERMITTED USES (R3)

1. Accessory buildings and structures;
2. Duplexes;
3. Essential Services;
4. Single family dwellings; and
5. Timber harvesting

[Derivation: Ord. No. 98-1, eff. 5/21/98]

**SECTION 9-274**      CONDITIONAL USES (R3)

1. Bed and Breakfast Establishments;
2. Boarding Homes;
3. Repealed;
4. Child Care Centers or Homes;
5. Churches, Parish Houses, Rectories, Convents;
6. Community Centers;
7. Home Occupations;
8. Municipal Uses or Public Buildings;
9. Multi-Family Dwellings, Condominiums and Rental Units;
10. Nursing Homes;
11. Parks & Playgrounds;
12. Planned Unit Developments;
13. Public Library;
14. Public and Private Schools;
15. Public Utility;
16. Recreational Facilities;
17. Schools; and
18. Accessory Dwelling Units.



increased to the average height; however, in no case shall it be more than 8 feet higher than the buildings abutting the property.

8. Minimum roof pitch: 23 degrees for all uses except as stated below.
9. Minimum shore frontage: 100 feet
10. Minimum shore setbacks from normal high water mark: 75 feet

Notwithstanding the above, the dimensional requirements herein shall not apply to structures used exclusively to facilitate the supply and distribution of water by a public utility.

Notwithstanding the above, the dimensional requirements herein shall not apply to a public school building constructed on land identified as Tax Map 6 Lot 23.

[Derivation: Ord. No. 98-1, eff. 5/21/98; Ord. No.: 03-03, eff. March 21, 2003; Ordinance No.: 04-07, Effective: November 18, 2004; Ord. No. 11-02b, eff. 8/18/2011; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-277**      PERFORMANCE STANDARDS (R3)

Permitted and Conditional Uses allowed in this District shall be subject to the performance standards contained in Subchapter VI of this Chapter.

In addition to the standards in Subchapter VI of this Chapter, any new construction shall conform to the following performance standards:

1. Vehicular access across municipal boundary – No public or private road or access drive shall be established that allows vehicular access to or from the land within the R3 District to land within the City of Augusta except for controlled or gated accesses to provide for emergency or utility vehicle or landowner travel across the boundary.

[Derivation: Ord. 98-1, 5/21/98; Ord. No. 12-10, eff. 10/19/2012]

**SECTIONS 9-278 THROUGH 9-290** (Reserved)

**DIVISION E – RURAL-FARM DISTRICT (RF)**

**SECTION 9-291**      PURPOSE (RF)

To provide for a low-density, rural residential area located generally west of the turnpike, excluding designated commercial areas, suitable for residential, recreational and agricultural uses at low densities with building development to take place in such a fashion that the need to construct and maintain new City streets is minimized, and that an attractive rural landscape with large open spaces is maintained.

[Derivation: Section 4.4(A), 1989 Zoning Ordinance]

**SECTION 9-292**      DESCRIPTION (RF)

The Rural-Farm District (RF) shall generally include the land area west of the Maine Turnpike except for the City recreation area, public parcels within the Jamies Pond watershed, the BB District and the BC District.

The boundaries of the Rural Farm District (RF) are shown on the Official Zoning Map.

[Derivation: Section 4.4(B), 1989 Zoning Ordinance; Amended by Ord. 98-1 (5/21/98) and Ord. 00-10 (7/20/00); Ordinance No.: 04-04, Effective June 7, 2004; Ord. No. 12-01, eff. 1/19/2012; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-293**      PERMITTED USES (RF)

Permitted uses in the Rural-Farm District are:

1. Accessory buildings and structures;
2. Duplexes;
3. Essential services;
4. Farming;
5. Forestry;
6. Home Occupations;
7. Manufactured Housing less than 20 feet wide;
8. Outdoor Marijuana Cultivation Facilities;
9. Retail sales as an accessory use;
10. Single Family Dwellings; and
11. Timber Harvesting.

[Derivation: Section 4.5(C), 1989 Zoning Ordinance; Amended by Ord. 98-1, 5/21/98; Ord. No. 12-10, eff. 10/19/2012; Ord. No. 18-15, eff. 11/23/2018; Ord. No. 20-03, eff. 02/20/2020]

**SECTION 9-294**      CONDITIONAL USES (RF)

Conditional uses in the Rural-Farm District are:

1. Animal Breeding/Kennels;
2. Bed and Breakfast Establishments;
3. Campgrounds;
4. Cemeteries;
5. Child Care Centers or Homes;
6. Churches, Parish Houses, Rectories, Convents;
7. Cluster Developments, including multi-family dwellings therein, except that multi-family dwellings are limited to the area north of Winthrop Street;
8. Community Centers;
9. Community Living Uses;
10. Controlled Environment Agriculture (CEA);
11. Extractive Industry (Sand or Gravel Pit Operations);

12. Indoor Marijuana Cultivation Facilities;
13. Inns, Conference Centers;
14. Marijuana Products Manufacturing Facilities;
15. Marijuana Retail Stores, as an accessory use only, and provided that on-premise sales of marijuana and marijuana products are conducted only between the hours of 7:00 a.m. and 7:00 p.m. of the same day;
16. Mobile Home Parks;
17. Municipal Uses or Public Buildings;
18. Nursing Homes, Continuing care facilities, and Residential care facilities;
19. Off-site Services Facility related to agriculture, forestry, landscaping, or arboriculture (as defined in §9-151);
20. Outdoor Recreational Facilities;
21. Parks & Playgrounds;
22. Permanently installed power generating facilities of more than 1,000 kilowatts or transmission lines carrying 100 kilovolts or more;
23. Planned Unit Developments, including multi-family dwellings therein, and commercial uses limited and defined by Section 9-608(5); except that multi-family dwellings and commercial uses as limited and defined are limited to the area north of the Granite Hill Road;
24. Public and Private Schools;
25. Public Utility;
26. Recreational Facilities;
27. Recycling Center;
28. Schools;
29. Towers;
30. Waste Facility; and
31. Windmills.

[Derivation: Section 4.4(D), 1989 Zoning Ordinance; amended by Ord. 98-1, 5/21/98; Ord. 98-4, 10/23/98; and Ord. 99-2, effective 3/18/99; Ord. No.: 05-03, eff. May 20, 2005; Ord. No. 12-10, eff. 10/19/2012; Ord. No. 14-08, eff. 11/20/2014; Ord. No. 18-15; eff. 11/23/2018; Ord. No. 20-03, effective 02/20/2020]

**SECTION 9-295      NON-PERMITTED USES (RF)**

Any use not permitted in Sections 9-293 and 9-294 above.

[Derivation: Section 4.4(E), 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-296      DIMENSIONAL REQUIREMENTS (RF)**

The following dimensional requirements apply to the uses permitted in this district; including the expansion of existing uses, the conversion of one use to another use, and to new uses.

1.      Minimum Land Area
  - A.      Residential (per dwelling unit): 1.0 acre.

- B. Commercial, all other (per use): 1.0 acre.
  - C. The minimum lot area per dwelling unit shall be reduced to 20,000 square feet for multifamily units that are part of cluster development approved by the Planning Board in accordance with Section 9-608 or for units in a mobile home park developed in accordance with Section 9-625.
- 2. Minimum setback from street right-of-way: 35 feet.
  - 3. Minimum side, rear yards: 25 feet.
- NOTE: Side and rear setbacks shall be either the dimensional requirements shown above, or the height of the building, whichever is greater.
- 4. Minimum street frontage: 150 feet on a public or private road.
  - 5. Minimum lot depth: 100 feet.
  - 6. Maximum building height: 35 feet. The maximum height of any structure may be increased by no more than 10 feet, providing that all required side, rear and street right-of-way setbacks are increased by two feet for each foot of the maximum height limit.
  - 7. Minimum roof pitch: 23 degrees. For commercial structures, this may be achieved by a false front.
  - 8. Minimum shore setbacks from normal high water mark
    - A. Residential: 100 feet.
    - B. Commercial, all other: 100 feet.
  - 9. Minimum shore frontage: 200 feet.

[Derivation: Section 4.4(F), 1989 Zoning Ordinance; Ord. No.: 03-03, eff. March 21, 2003; Ord. No. 11-02b, eff. 8/18/2011; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-297**      PERFORMANCE STANDARDS (RF)

Permitted and Conditional Uses allowed in this district shall be subject to the performance standards contained in Subchapter VI of this Chapter.

[Derivation: Section 4.4(G), 1989 Zoning Ordinance]

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