

Brewer City Ordinances, Chapter 24 Land Use Code, Article 3
 Updated as of September 19, 2021
306.5 SCHEDULE OF USES (#31)(#46)(#52)(#55)

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
OPEN AREA USES													
Accessory Use	P	P										P	
Agriculture	Y	Y											
Barnyard Animals	Y-8,25	Y-8,25											
Farm Stand	P	P											P
Forestry	P	P											
Public Parks / Trails	S	S	S	S	S	S	S	S	S-63	S-63	S	S	S
Public Playground	S	S	S	S	S	S	S	S			S		S
Removal of Fill, Gravel, Stone, Loam	S	S											
Water storage-Farm Pond	P-1,2,or 21	P- 1, 2,or 21											
RESIDENTIAL USES													
Accessory Use	P	P	P	P	P	P	P				P		P
Single-family Dwelling	P	P	P	P	P	P	P	P-61			P		
Home Occupations	P	P	P	P	P	P	P				P		
Home Day Care	D-62	D-62	D-62	D-62	D-62	D-62	D-62				D-62		
Medical Marijuana Home Production	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67	Y-66, 67
Manufactured Housing*													
Mobile Home Park		S-15,16				S-15,16							
Multi-family, 3 or more, Dwelling Units (#18)		S			S	S	S	P-61			S		S-65
Planned Unit Development Of Residential Units		S	S-12,15,16	S-12,15,16	S	S-12,15,16	S-12,15,16						
Two-family Dwelling Units (#18)		P		P	P	P	P	P-61			P		S-65
Any non-residential uses allowed with or without a permit which creates 5,000 square feet of new gross floor area, or creates 5,000 square feet or greater of new un-vegetated area in the development, separately or collectively, shall be subject to Site Plan Review. Any proposed non-residential uses allowed, with or without a permit, exceed the 5,000 square foot area for new gross floor area or new un-vegetated area, or any proposed combination of the two activities, within a two (2) year period shall be considered cumulative activity and shall require site plan review. (#17)													

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USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
COMMERCIAL USES													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
Adult-Use Marijuana Store								S-68				S-68	
Adult-Use Marijuana Testing Facility								S-68	S-68				
Adult Amusement Store								S-6					
Adult Motion Picture Theater and On-Site Adult Video Screening									S-6				
Adult Entertainment Nightclub, Bar or Cabaret									S-6				
Adult Relaxation Spa or Adult Spa									S-6				
Animal Clinic								S	S-64	S-64		S	
Animal Hospital		S-2,3							S-64	S-64			
Art Galleries							P	P			P	S	P
Artisan Manufacturing Studio (#38)(#41)							S	S					D
Auto Repair							S-12, 22,39	S-12	S-12, 38	S-12, 38			
Auto Service							S-12, 22,39	S-12	S-12, 38	S-12, 38			
Auto, Truck, Equip., Sales							S-5	S-5	S-5				
Aviation Bar, Tavern, Lounge (#38)		P-1,7					S	S		P-1,7		S-1,7	S
Barbers, Beauty Shops							P	P			P	S	P
Bed & Breakfast		P			P	P					P		P-65
Boarding of Horses	P-1,2,8												
Brew Pub (#38)							S	S					S
Building Supply Business								S	S	S			
Business Offices (#41)			S-55	S-55	S		P	P	P		S	S	D
Camping Parks	S	S											
Catering Facility							P	P	P			S	
Child Care Center							S		S-60			S	

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USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
COMMERCIAL (continued)													
Dance Halls							S	S					S
Financial Institutions (#41)							P	P	P		S	S	D
Funeral Homes					S-12,55		S-55				S-55		
Golf Course	S	S-14										S	
Industrial Laundry Facility									S-64	S-64			
Kennels	S-2,3	S-2,3											
Laundromat, Dry Cleaners Microbrewery (#38)							P S	P S	P P			S	
Mobile Home Sales								S					
Motel and Hotel							P-12	P-12				S	S-65
Museums					P-55		P	P			P	S	P
Newspaper & Job Printing Nightclubs (#38)							P	P S	P		P		
Nurseries & Greenhouses	P	P						P	P			S	
Planned Group Development (#9)												S	
Professional Offices (#41)		S	S	S	S		P	P	P		S	S	D
Recreational Facilities- Indoors							S	S				S	S
Recreational Facilities- Outdoors	S	S					S	S				S	S
Recycling Center, other than Automobile recycling facility								S	S				
Redemption Center							S						
Restaurant							P	P				S	S
Retail Stores (#41)							P	P				S	D

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306.5 SCHEDULE OF USES (#31)

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
COMMERCIAL (continued)													
Rooming, Boarding Houses					S-55		S						
Service Businesses (#41)							P	P			P	S	D
Shopping Centers							S	S					
Takeout Food Services							S	S				S	S
Telecommunication Facilities Not exempt							S-17	S-17	S-17	S-17		S-17	
Theaters							S	S				S	S
Transportation Uses								S	S	S			
Truck Terminal									S				
Warehousing							S	S	S	S			
Wholesaling							S	S	S	S		S	
INDUSTRIAL USES													
Accessory Uses							P	P	P	P		P	
Automobile Graveyards, Automobile Recycling Facility & junkyards									S				
Bulk Oil & Fuel Tanks									S				
Construction Equipment Storage								S	P	P-38			
Firewood Processing									S	S			
Light Manufacturing							S	S	P	P			
Manufacturing									S	S			
Research and Development Facility(#13)									S			S	
Research Facility (#13)									S			S	
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USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
INSTITUTIONAL USES													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	
Auditorium											P	S	
Cemeteries	S	S-1,2,10,12											
Church(#26)(#29)	S	S	S	S	P-55	S	P	P	S		P	S	S
Clubhouse & Clubs		S-1,2		S			S	S					
Community Service Organizations							S	P				S	S
Government Uses except Essential Services	S	S	S	S	S	S	S	S	S	S	S	S	S
Hospice		S				S					S	S	
Hospitals Narcotic Treatment Facility (#11)								S S-9				S S-9	
Medical Marijuana Registered Dispensary(#16)												S-11	
Medical Marijuana Dispensary Cultivation Facility (#16) (#52)												S-11	
Nursing, Convalescent Home		S				S		S				S	
Private Schools		S			S-55		P					S	
Religious Services as Ancillary Use							P		P	S		S	
MISCELLANEOUS													
Essential Services	P**	P**	P**	P**	P**	P**	P**	P**	P**	P**	P**	P**	P**
Essential Service Buildings	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17
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306.5 SCHEDULE OF USES

Footnotes to Schedule of Land Uses

* See Manufactured Housing Overlay District

** Permits are not required when a Utility Permit or Street Opening Permit has been issued. Permits are not required when the utility is located entirely upon the premises of the customer requesting service or for the purpose of maintenance except when a Utility Permit or Street Opening Permit is required. All utilities, both public and private, must be installed underground when located within the right-of-way and/or 150 feet from the right-of-way property line of any accepted City street within the Professional Business (PB) District. This requirement does not apply to Parkway South Wilson Street, and Greenpoint Road except for those areas within or 150 feet from Dirigo Drive as described prior. (#10)

1. Two Hundred (200) feet from any public right-of-way.
2. Two Hundred (200) feet from any abutting property line.
3. One Hundred (100) feet from any public right-of-way.
4. One Hundred (100) feet from any abutting property line.
5. The sales and display of which shall not be within the City's right-of-way.
6. The following Chapters, Articles and Sections shall apply: Chapter 20, Article 5, Section 509 Permitted Locations. Chapter 28 Signs. Chapter 24, Land Use Code, Article 4, Section 424 and Article 6.
7. Enclosed with a fence of a minimum height of six (6) feet and of such design so as to prevent any readily accessibility other than a gate.
8. Fenced along a public way six (6) feet in height.
9. The following Chapters, Articles and Sections shall apply: Chapter 24, Land Use Code, Article 4, Sections 424 & 437, and Article 6. The facility shall be located no closer than 250 feet from the property line of any public and/or private school. (#11)
10. Enclosed with a fence of a minimum height of four (4) feet, so as to prevent any readily accessibility by an automobile other than by a gate.
11. No Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility shall be located within the distances listed below of the property line upon which the Dispensary and/or Facility is or are located and the property line of the uses listed below.
 - a. Five hundred (500) feet of a preexisting public or private school,
 - b. Five hundred (500) feet of a preexisting licensed daycare facility,
 - c. Five hundred (500) feet of a preexisting methadone clinic,
 - d. One hundred (100) feet of a preexisting private residence,
 - e. Five hundred (500) feet of a preexisting adult-use marijuana establishment,
 - f. Five hundred (500) feet of a preexisting Medical Marijuana Cultivation and Processing Facility. (#55)
12. The traveled area of automobile entrances shall not be more than thirty (30) feet wide or pedestrian entrances more than six (6) feet wide.
14. Abutting street must be at least twenty-eight (28) feet in width.
15. Water- public water- available.
16. Sewer- public sewer- available.

17. The essential services building can be located at the discretion of the Planning Board; Notwithstanding the requirements of this ordinance, Essential Services Buildings as defined, shall be exempt from the lot area, coverage, width and frontage requirements of the district in which they are located, provided such structures shall be screened from a public or private street and from any residential district. Additional screening from abutting property owners may be required. Such a buildings or structures must be architecturally similar to the surrounding buildings or structures and kept in good repair.
21. Enclosed by a fence if the actual use is within one hundred (100) feet of the right-of-way or property line.
22. Fenced from view of abutting land owners by a six (6) foot high solid fence.
25. Shall be enclosed by a fence built to confine such animals as are kept and such fence shall be no closer than one hundred (100) feet to any property line
38. All vehicles or parts of vehicles stored outside of buildings shall be fenced from view by a six (6) foot high solid fence within one (1) week from the date that such vehicles are stored.
39. The number of automobiles for sale shall not exceed three (3) automobiles, and the display area for automobile sales shall no exceed six hundred (600) square feet (#9)
49. Lot must contain at least ten (10) acres of land.
54. Structures limited to 2,500 square feet total ground coverage and two stories in height.
55. Located on North Main Street, South Main Street, Wilson Street or State Street.
56. Access drives/driveways: Limited to a single driveway with a minimum width of fifteen (15) feet and a maximum of twenty-four (24) feet; a curb radius of at least five (5) feet and a maximum of fifteen (15) feet. The minimum distance between adjacent driveways shall not be less than ten feet at the highway right-of-way.
60. As an ancillary use to existing use which is limited to the children of employees.
61. As an ancillary use of the principal structure, limited to the area above the ground floor level.
62. To be reviewed referencing the requirements of Article 4, Section 411.
63. Trail only.
64. Only when served by public water and sewer. (#8)
65. Residential uses/rooms are not allowed or permitted on ground floors or first floors (ie. the first floor facing the street).
66. Medical marijuana home production, as defined herein, shall be considered an accessory residential use that does not require land use permitting. As an accessory use, medical marijuana home production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every zoning district, without any requirement for land use permitting. Medical marijuana Home Production does not include a medical marijuana cultivation and processing facility. For the purposes of the Schedule of Uses, a "medical marijuana cultivation and processing facility" is a facility used for cultivating, processing, testing, and/or storing of medical marijuana plants and medical marijuana products by a medical marijuana caregiver or group of medical marijuana caregivers which is not their primary year-round residence or their patient's primary year-round residence. Multiple caregivers may operate on a single parcel if that parcel constitutes the medical marijuana caregiver's primary year-round residence. For the purpose of this use, marijuana shall have the same definition as set forth in 18-691, Ch 2 of the Code of Maine Rules, as amended, and caregiver shall have the same definition as set forth in the Maine Medical Use of Marijuana Act, as amended.
67. Medical Marijuana Home Production as an accessory use does not authorize any residential uses that are otherwise prohibited according to the Schedule of Uses. Medical Marijuana Home Production as an accessory use is allowed in conjunction with any lawfully existing nonconforming residential use, provided all applicable ordinance, statutes, regulations, and other laws are complied with.

68. No adult-use marijuana establishment shall be located within the distance listed below of the property line upon which the Establishment is located and the property line of the uses listed below, which is or are in existence when an application for an Adult-Use Marijuana Establishment is made. For the purposes of this section, a preexisting facility, residence, clinic, or establishment shall also include any pending application (ie: that has received at least one substantive review by the City of Brewer reviewing authority):
- a. Five hundred (500) feet of a preexisting public or private school,
 - b. Five hundred (500) feet of a preexisting licensed daycare facility,
 - c. Five hundred (500) feet of a preexisting methadone clinic,
 - d. One hundred (100) feet of a preexisting private residence,
 - e. Five hundred (500) feet of a preexisting Medical Marijuana Registered Dispensary and/or Medical Marijuana Dispensary Cultivation Facility.
 - f. Five hundred (500) feet of a preexisting Medical Marijuana Cultivation and Processing Facility,
 - g. Five hundred (500) feet of a preexisting Adult-Use Marijuana Establishment.

307 DIMENSIONAL REQUIREMENTS

307.1 SCHEDULE OF DIMENSIONAL REQUIREMENTS

All structures and uses shall meet or exceed the following minimum dimensional requirements. Letters adjacent to some dimensional requirements refer to notes at the end of the schedule which contain additional requirements.

	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD	
1. Minimum Lot Area (square feet)														
Off-lot sewer and water	60,000	40,000	15,000	7,000	7,000	15,000	2,000	40,000	30,000	40,000	7,000	20,000	1,500	
On-lot sewer, public water	70,000	50,000	30,000	30,000	N/A	N/A	N/A	N/A	80,000	80,000	N/A	N/A	N/A	
On-lot sewer and water	120,000	60,000	40,000	40,000	N/A	N/A	N/A	N/A	200,000	200,000	N/A	N/A	N/A	
2. Minimum area/Family (square feet)														
Off-lot sewer and water	60,000	40,000	15,000-C	7,000	3,900	15,000-H	P	N/A	N/A	N/A	3,900	N/A	V	
On-lot sewer, public water	70,000	50,000	30,000	30,000	N/A	N/A	P	N/A	N/A	N/A	N/A	N/A	N/A	
On-lot sewer and water	120,000	60,000	40,000	40,000	N/A	N/A	P	N/A	N/A	N/A	N/A	N/A	N/A	
3. Minimum Lot Frontage (feet)														
Off-lot sewer and water	200	150	100	75	50	100	25-P	200	150	200	100-J	150	25	
On-lot sewer, public water	200	150	125	125	N/A	N/A	N/A	N/A	200	200	N/A	N/A	N/A	
On-lot sewer and water	200	150	150	150	N/A	N/A	N/A	N/A	400	400	N/A	N/A	N/A	
4. Minimum Depth Frontage (feet) (#25)	40-A	A-40-A	30-A	30-A	A	30-A	20-A	50-F,E	20-E	30-E	A	50-F,E	0'	
5. Minimum Width Side Yard (feet) (#9)	25' Q-25'	20'-B Q-20'	15' Q-5'	15' Q-5'	5' Q-5'	15' Q-5'	5'- L,P Q-5'	20' Q-5'	G' Q-20'	20' Q-20'	15' K Q-5'	20' S Q-20'	0'-T	
6. Minimum Width Rear Yard (feet) (#9)	35' R-35'	35' R-35'	25' R-5'	25' R-5'	30' R-5'	25'-I R-5'	20' R-5'	30' R-5'	20' R-20'	20' R-20'	25' R-5'	30' S R-15'	0'-T	
7. Maximum Building or Structure Coverage Percentage (#21)	15	33 1/3	33 1/3	33 1/3	33 1/3	33 1/3	50	50	50	50	50	50	100-T	
8. Maximum Building Height (feet)	35- M,N	35- M,N	35- M,N	35- M,N	35- M,N	65- N,P	65- N,P	N/A- N	N/A- N	N/A- N	35- M,N	90- M,N	65-T,U	

- A. The lesser of: 1- the defined setback, or 2- the average setback of the six (6) adjacent structures (three (3) on each side) except as otherwise provided in Section 436.6 of this Land Use Code. (#25)
- B. Buildings or structures more than twenty (20) feet from ground level in height shall be set back one (1) foot additional for each additional foot in height.
- C. 7,000 for publicly assisted housing for the elderly, subject to the Site Plan Review.
- D. Plus 700 gross floor area above grade of principle structure per family.
- E. References may be had to Section 436.6 of this Land Use Code. (#25)
- F. 75 feet on Wilson and State Streets and 25 feet along Dirigo Drive. (#25)
- G. A total of forty (40) feet with one (1) a minimum of ten (10) feet.
- H. Additional dwelling units in the same building: add 3,000 square feet per unit plus 1,000 square feet per separate bedroom.
- I. Plus five (5) feet for each family over one (1).
- J. Fifty (50) feet for residential use.
- K. Five (5) feet for residential use.
- L. May be reduced to zero with Firewall Separation.
- M. Spires, belfries, cupolas, antennae, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy shall not exceed forty-five (45) feet above average ground level unless they are set back from front, rear and side lot lines one (1) additional foot to the required setback for each foot of excess height.
- N. Free standing structures not intended for human occupancy which are permitted uses and subject to Site Plan Review may exceed the stated height limitation, provided that for each additional linear foot in height, there is one (1) linear foot setback from adjacent property and street lines added to the required setback.
- O. The Code Enforcement Officer may authorize a height in excess of sixty-five (65) feet, provided that for each additional linear foot in height, there is one (1) linear foot setback from adjacent property and street lines added to that required setback.
- P. Lot and Yard Requirements for Dwellings:
 - 1. Minimum Lot Area (sq. ft.) A lot equal to the area needed for the dwelling units, driveways, parking spaces, accessory buildings, minimum yard requirements, maximum lot coverage, and six hundred (600) square feet of open space for the first dwelling unit and an additional two hundred (200) square feet of open space for each additional dwelling unit.
 - 2. Minimum Lot Frontage 50 feet.
 - 3. Minimum Depth Front Yard 20 feet.
 - 4. Minimum Width Side Yard 3 feet.
 - 5. Minimum Depth Rear Yard 20 feet.
 - 6. Maximum Building or Structure coverage 50 %.
- Q. Side Line Setbacks for detached accessory structures. (Garages, sheds, swimming pools, free standing decks, gazebos, etc.)
- R. Rear Line Setbacks for detached accessory structures. (Garages, sheds, swimming pools, free standing decks, gazebos, etc.)
- S. For planned group developments may be reduced to zero with fire separation, as provided under the codes and ordinances of the City of Brewer. (#9)
- T. Requires fire separation between buildings and all buildings above two stories are required to be sprinkled. (#31)
- U. Buildings must be a minimum of two stories in height. (#31)
- V. All dwelling units must contain a minimum of 500 square feet each. (#31)