

# ZONING

## 225 Attachment 1

### Town of Topsham

#### Table of Use Regulations

[Amended 11-17-1992 STM, Art. 2; 5-18-1994 STM, Art. 19; 5-15-1996 STM, Art. 31; 1-30-1997 STM, Art. 8; 5-21-1997 STM, Art. 31; 11-18-1997 STM, Art. 6; 11-18-1997 STM, Art. 8A; 5-19-1999 STM, Art. 13; 5-17-2000 STM, Art. 15; 5-20-2004 STM, Art. 17; 5-24-2006 STM, Art. 11; 5-24-2006 STM, Art. 14; 5-24-2006 STM, Art. 15; 12-13-2006 STM, Art. 9; 5-24-2007 STM, Art. 15; 1-23-2008 STM, Art. 3; 11-13-2008 STM, Art. 6; 11-13-2008 STM, Art. 8; 5-20-2009 STM, Art. 13; 5-20-2009 STM, Art. 15; 5-19-2010 STM, Art. 13; 11-2-2010 ATM, Art. 3;<sup>1</sup> 2-16-2011 STM, Art. 3; 2-16-2011 STM, Art. 5; 5-15-2013 STM, Art. 14; 9-25-2013 STM, Art. 5; 5-14-2014 STM, Art. 10; 5-20-2015 STM, Art. 12; 5-18-2016 STM, Art. 12; 5-15-2019 STM, Arts. 10, 17, 21, 22; 7-2-2020 STM, Art. 11]

Land uses permitted in each zone, in conformance with the general performance standards in Article VII and, where appropriate, the specific performance standards of Article VIII, are shown in the following table:

P = Permitted use (may require site plan review)  
 C = Conditional use (may require site plan review)  
 X = Not permitted

Use	District																		
	R-1	R-2	R-3	CC	RCU	MUL	MUC	MUC-1	BP	CC 196	I	BP2	R4	LI	VC	MV	LV	R2B	
Accessory use <sup>4</sup>	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P
Addiction treatment facility	X	X	X	X	X	X	C	X	C	X	X	X	X	X	X	X	X	X	X
Adult entertainment establishment	X	X	X	C	X	X	C	X	X	X	X	X	X	X	X	X	X	X	X
Agriculture	X	P	P	P	P	C	P	C	C	C	C	X	X	C	X	X	X	X	P
Amusement facility	X	X	X	C	C	C	C	C <sup>11</sup>	X	X	X	C	X	C	X	X	C	X	X
Amusement park											X	X	X	X	X	X	X	X	X
Animal husbandry	X	C	P	X	X	C	X	X	X	X	X	X	X	C	X	X	X	X	C
Aquaculture	X	X	X	X	X	X	X	X	X	X	P	X	X	C	X	X	X	X	X
Auto sales	X	X	X	P	C	X	C	C <sup>11,13</sup>	X	C	C	X	X	C	C	X	X	X	X
Auto salvage	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X
Batch plant											X	X	X	C	X	X	X	X	X
Bed-and-breakfast	C	C	C	C	P	X	P	C <sup>11</sup>	X	C	X	X	C	P	C	C	P	P	C
Boardinghouse	C	C	C	C	P	P	P	C <sup>11</sup>	X	X	X	X	C	P	C	C	P	P	C
Boathouse	P	P	P	C	P	P	P	X	X	X	P	X	X	X	X	X	C	P	P
Bulk fuel storage	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X
Campground	X	X	P	X	X	C	X	X	X	X	X	X	X	X	X	X	X	X	X

<sup>1</sup> Editor's Note: This article also provides for a retroactive effective date of 4-1-2010 and states that any permit application pending before or issued by the Planning Board on or after date that does not conform to the amendments made by said Art. 3 shall be null and void.

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Use	District																		
	R-1	R-2	R-3	CC	RCU	MUL	MUC	MUC-1	BP	CC 196	I	BP2	R4	LI	VC	MV	LV	R2B	
Cemetery	P	P	P	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	P
Church	P	P	P	P	P	P	P	C <sup>11</sup>	P	P	X	p <sup>21</sup>	p <sup>21</sup>	p <sup>21</sup>	p <sup>21</sup>	p <sup>21</sup>	p <sup>21</sup>	P	
Club	C	C	X	C	C	C	C	C <sup>11</sup>	X	X	X	C	X	P	C	X	C	C	
Cogeneration of power as accessory use	X	X	X	X	X	X	X	X	X	X	P	X	X	C	X	X	X	X	
Commercial composting	X	X	X	X	X	X	X	X	X	X	P	X	X	C	X	X	X	X	
Commercial recreational facility	X	X	C	C	C	C	C	C <sup>11</sup>	C	C	X	C	X	C	C	X	C	X	
Commercial recycling, to include paper, plastic glass, metal, wood tires	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	
Concrete product manufacturing												X	X	P	X	X	X	X	
Day care/preschool	C	C	P	P	P	P	P	C <sup>11</sup>	P	P	C	P	C	P	P	C <sup>7</sup>	P	C	
Dwelling, single-family	P	P	P	P <sup>1</sup>	P <sup>6</sup>	P <sup>5</sup>	X	C <sup>1,11</sup>	X	P	X	X	P	p <sup>22</sup>	X <sup>22</sup>	P	p <sup>22</sup>	P	
Dwelling, two-family	P	P	P	P <sup>1</sup>	P <sup>6</sup>	P	X	C <sup>1,11</sup>	X	P	X	X	P	p <sup>22</sup>	p <sup>22</sup>	P	p <sup>22</sup>	P	
Dwelling, multifamily	P	P	P <sup>2</sup>	P <sup>1</sup>	P <sup>6</sup>	P	P	C <sup>1,11</sup>	X	X	X	X	P	p <sup>22</sup>	p <sup>22</sup>	P	p <sup>22</sup>	P	
Electrical power generation	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	
Elderly housing	P	P	P	P	P	P	P	C <sup>11</sup>	X	C	X	X	P	P	P	P	P	P	
Extractive industry	X	X	C	X	X	C	X	X	X	X	P	X	X	X	X	X	X	X	
Fairground	C	X	P	X	X	C	X	X	X	X	X	X	X	X	X	X	X	X	
Food Processing	X	X	X	C	C	C	C	C	P	P	P	C	X	P	X	X	X	X	
Forest management	P	P	P	P	P	P	P	C	P	P	C	X	X	P	P	P	P	P	
Gasoline sale	X	X	X	P	P	X	C <sup>10</sup>	X <sup>11,15</sup>	X	C	P	X	X	P	X	X	X	X	
Golf Course	X	X	P	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	
Heavy equipment repair	X	X	X	X	X	X	X	X	X	X	P	X	X	C	X	X	X	X	
Home occupation	P	P	P	P	P	P	P	P	X	P	P	X	P	P	P	P	P	P	
Home occupation, major	X	C	C	P	P	P	X	X	X	C	P	X	X	P	X	X	C	C	
Hospital/nursing home/congregate care	C	C	C	X	C	C	X	X <sup>11</sup>	X	X	P	C	X	P	X	X	C	C	
Hotel/motel	X	X	X	C	C	C	C	C <sup>11</sup>	C	C	X	C	X	C	C	C	C	X	
Inn	C	C	C	C	P	C	C	C <sup>11</sup>	X	C	X	P	X	C	C	C	C	C	
Junkyard/automobile graveyard	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	
Kennel	X	X	P	X	P	C	X	X	X	X	X	X	X	X	X	X	X	X	
Lab/research facility	X	X	X	C	C	C	C	C <sup>11</sup>	P	P	P	P	X	P	P	X	C	X	
Manufacturing, heavy	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	
Manufacturing, light	X	X	X	C	C	C	C	C <sup>11</sup>	P	P	P	C <sup>24</sup>	X	P	X	X	C	X	
Marijuana cultivation facility	X	X	X	P	P	X	P	X	P	P	P	X	X	X	X	X	X	X	
Marijuana product manufacturing	X	X	X	P	P	X	P	X	P	P	P	X	X	X	X	X	X	X	

## ZONING

Use	District																	
	R-1	R-2	R-3	CC	RCU	MUL	MUC	MUC-1	BP	CC 196	I	BP2	R4	LI	VC	MV	LV	R2B
Marijuana testing facility	X	X	X	P	P	X	P	X	P	P	P	X	X	X	X	X	X	X
Marina	X	X	C	P	P	X	P	X	X	X	P	X	X	X	X	X	P	X
Medical clinic	X	X	X	P	P	C	P	C <sup>11</sup>	P	P	X	P	X	P	P	C <sup>7</sup>	P	X
Mixed-use building	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>26</sup>	P <sup>22, 26</sup>	P <sup>22, 26</sup>	P <sup>26</sup>	P <sup>22, 26</sup>	P <sup>26</sup>
Mobile food service	X	X	X	P	P	P	P	P	P	P	P	P	X	P	P	X	P	X
Museum	C	C	C	P	P	P	P	X	X	X	P	P	X	P	P	C	P	C
Motor vehicle services/repair	X	X	X	P	C	X	C	C <sup>11</sup>	X	C	P	X	X	C	C <sup>19</sup>	X	X	X
Natural resource related business	X	C <sup>8</sup>	C <sup>8</sup>	C	P	X	P	X	X	C	P	P	X	P	C	X	X	C <sup>8</sup>
Neighborhood grocery store	C	C	C	P	P	C	P	C <sup>11</sup>	X	X	P	P <sup>23</sup>	X	P	P <sup>23</sup>	X	P <sup>23</sup>	C
Office buildings as accessory uses	X	X	X	X	X	X	X	C <sup>11</sup>	P	P	P	P	X	P	P	X	P	X
Paper de-inking	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X
Piers, docks, wharves and uses projecting into waterbodies	P	P	P	X	X	P	X	X	X	X	P	X	X	X	X	X	P	P
Planned commercial development	X	X	X	P	P	P	P	X	P	X	P	P	X	C	P	X	P	X
Planned mixed use development	X	X	X	X	X	X	X	P	X	X	X	X	X	C	C <sup>22</sup>	X	X	X
Planned residential development	X	X	X	X	X	P	P	X	X	X	X	X	P	C	X	X	X	X
Printing	X	X	P	P	P	X	P	C <sup>11</sup>	C	C	P	P	X	P	P	C <sup>7</sup>	P	X
Professional office	C	C	C	P	P	C	P	C <sup>11</sup>	P	P	X	P	C <sup>7</sup>	P	P	C <sup>7</sup>	P	C
Public facility	C	C	C	P	P	P	P	C <sup>11</sup>	P	P	P	P	P	P	P	C	P	C
Public utility facility	C	C	C	C	C	C	C	C <sup>11</sup>	C	C	C	P	P	P	P	C	C	C
Public water utility facilities	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Registered caregiver retail store	X	X	X	P	P <sup>27</sup>	X	P	X	X	P	X	X	X	X	X	X	X	X
Restaurant	X	X	X	P	P	P	P	C <sup>11</sup>	C	C	X	P	X	P	P	X	P	X
Restaurant, fast-food	X	X	X	C	X	X	C	X <sup>11</sup>	X	X	X	X	X	C	C	X	X	X
Retail business	X	X	X	P	C	C <sup>3</sup>	P	C <sup>11, 12</sup>	X <sup>16</sup>	C <sup>18</sup>	P	C	X	P <sup>20</sup>	P	C <sup>7</sup>	P	C <sup>25</sup>
Reuse of an existing agricultural building for non-res. use	C	C	C	C	C	C	X	X	X	X	P	X	X	C	X	X	X	C
Rural entrepreneurial use	X	C	C	X	X	X	X	X	X	C	P	X	X	C	X	X	X	C
Sawmill	X	X	C	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X
Schools	P	P	C	P	P	C	P	C <sup>11</sup>	C	C	X	P	P	P	C	C <sup>7</sup>	P	P
Seasonal retail sales	P	P	P	P	P	P	X	X	X	X	X	P	P	P	P	P	P	C

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Use	District																	
	R-1	R-2	R-3	CC	RCU	MUL	MUC	MUC-1	BP	CC 196	I	BP2	R4	LI	VC	MV	LV	R2B
Service business	X	X	X	P	C	C	P	C <sup>11</sup>	P	P	P	P	X	P <sup>7</sup>	P	C <sup>7</sup>	P	C <sup>25</sup>
Small wind energy conversion systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar energy conversion systems, small scale	X	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	P
Solar energy conversion systems, large scale	X	X	P	P	P	P	P	P	P	P	P	P	X	P	X	X	X	P
Solar energy conversion systems, utility scale	X	X	P	X	P	X	P	X	P	X	P	P	X	P	X	X	X	X
Stable	X	X	P	X	X	C	X	X	X	X	X	X	X	C	X	X	X	X
Transmission tower <sup>9</sup>	X	C	C	C	P	C	C	X	C	C	P	X	X	X	X	X	X	C
Trash-to-energy incinerator	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X
Veterinary hospital	X	X	P	P	P	P	P	X	P	P	X	C	X	C	C	X	C	X
Wholesale business	X	X	X	P	C	X	P	C <sup>11,14</sup>	P <sup>17</sup>	P <sup>3</sup>	P	X	X	P	X	X	P	X
Warehousing; storage, distribution	X	X	X	C <sup>8</sup>	C	X	C	C <sup>11,14</sup>	C <sup>17</sup>	C <sup>3</sup>	P	C	X	C	X	X	X	X
Yard sale	P	P	P	P	P	P	P	X	X	P	X	X	P	C	P	P	P	P

P = Permitted use (may require site plan review)

C = Conditional use (may require site plan review)

X = Not permitted

NOTES:

- <sup>1</sup> Permitted only on second story or above unless the use is part of a planned mixed-use development approved in accordance with § 225-60.7.
- <sup>2</sup> Use permitted only in conformance with cluster development provisions of § 225-43 of this chapter.
- <sup>3</sup> Maximum of 10,000 square feet of gross floor area per building.
- <sup>4</sup> An accessory use to a site plan review use shall also require a site plan review. An accessory use to a conditional use shall also require a conditional use permit.
- <sup>5</sup> Only as part of a planned residential development.
- <sup>6</sup> If developed in accordance with the cluster provisions of § 225-43 of this chapter, lots not fronting on Lewiston Road or Augusta Road shall be allowed with 100 feet of frontage and a front setback of 25 feet, side setback of 25 feet and a rear setback of 25 feet. Cluster development in RCU Zones shall maintain and protect the existing vegetation in all setbacks, except as otherwise provided for in this Code.
- <sup>7</sup> Maximum 1,250 square feet of commercial space within existing and new structures and no exterior storage and must have a facade of the scale to the majority of the residential buildings in the neighborhood. In the Middle Village and the Residential 4 Zones, shall be an accessory use to a residential use.
- <sup>8</sup> Maximum 5,000 square feet.
- <sup>9</sup> If the proposal is for collocating a tower, only CEO approval is necessary. No new towers are allowed in the R-1, BP2, R4, LI, VC, MV and LV Zones. Collocation on existing towers or structures is allowed. The transmission towers listed in § 225-60.3B are exempt from this prohibition.
- <sup>10</sup> Allowed as conditional use when accessory to retail facility of at least 50,000 square feet and subject to the performance standards in § 225-44.
- <sup>11</sup> Notwithstanding its designation in the table, this use is a permitted use if it is part of an approved planned mixed-use development.
- <sup>12</sup> Retail businesses in the MUC-1 Zone are subject to the additional standards found in 225-60.8.
- <sup>13</sup> On lots of three (3) acres or more unless the use is part of a planned mixed-use development approved in accordance with 225-60.7.
- <sup>14</sup> Any individual use is limited to a maximum of 100,000 square feet of floor area.
- <sup>15</sup> Not more than two facilities involving the sale of gasoline may be permitted in the MUC-1 Zone.
- <sup>16</sup> Retail sales that are accessory to an allowed use are permitted provided that the floor area devoted to retail use including storage for the retail activity does not exceed more than ten (10)

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- percent of the gross floor area of the building and all sales activity occurs entirely within the building.
- <sup>17</sup> Any individual use is limited to a maximum of 350,000 square feet of floor area.
- <sup>18</sup> Maximum of 6,500 square feet per use.
- <sup>19</sup> Permitted as an accessory use to auto sales.
- <sup>20</sup> Limited to 15,000 square feet per lot.
- <sup>21</sup> When feasible, parking must be a shared arrangement with nearby parking lots or utilize on-street parking where allowed.
- <sup>22</sup> Residential uses are not allowed on the first floor of buildings fronting Rt. 201 in the Lower Village, Village Center and Limited Industrial Zones. Freestanding single-family dwellings are not allowed in the Village Center Zone.
- <sup>23</sup> Gasoline sales are not allowed as an accessory use.
- <sup>24</sup> No outdoor storage of any raw materials, work product or finished products.
- <sup>25</sup> Limited to 3,000 square feet of total floor area.
- <sup>26</sup> Uses within a mixed use building are permitted when permitted in the underlying zoning district or conditional when conditional in the underlying zoning district.
- <sup>27</sup> Only permitted in the RCU Zone along the Route 196 Corridor, not an allowed use in the RCU Zone along the Route 201 Corridor.