

Chapter 290

ZONING

[HISTORY: Adopted by the Town of Camden 11-3-1992. Amendments noted where applicable.]

ARTICLE I
Title

§ 290-1.1. Short title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the Town of Camden, Maine," and will be referred to herein as "the ordinance."

ARTICLE II

Purpose**§ 290-2.1. Intent.**

- A. This chapter, adopted in accordance with the Maine Revised Statutes, is designed to encourage the most appropriate use of the land throughout the Town; to promote the Town's Comprehensive Plan; to foster a pattern of development that respects both villages and the rural landscape while discouraging "sprawl"; to protect existing neighborhoods and encourage formation of new neighborhoods; to provide for vital business areas; to promote traffic safety; to provide safety from fire; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to conserve natural resources; and to provide for adequate public services.
- B. Further, within shoreland areas, this chapter is designed to carry out the purposes of the State Shoreland Zoning Program, including to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas. **[Amended 11-10-2009]**

ARTICLE III
Terminology

§ 290-3.1. Word usage.

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural and vice versa. The word "lot" shall include "parcel" and "plot." The word "shall" is used to indicate the mandatory, and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

§ 290-3.2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTING PROPERTY — Any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across a public street or way from the lot in question.

ACCESSORY APARTMENT — A dwelling unit of 600 square feet or less, gross, of living area, on a lot with a single-family dwelling otherwise too small in area to accommodate an additional dwelling. The accessory apartment shall comply with all applicable building codes and is subject to the State of Maine's Subsurface Waste Water Rules, as may be amended, 'as well as the minimum lot size requirements for lots in the shoreland zone. For the purpose of this provision, "primary residence" shall mean a dwelling unit occupied by the same resident for a minimum of six consecutive months, plus one day.[Amended 7-14-2020]

A. A lot having a single-family dwelling shall contain no more than one accessory apartment;

B. Both units shall serve as the primary residence of the occupants.

ACCESSORY STORAGE CONTAINER — A roofed container placed outdoors and used for the storage of goods, materials or merchandise which are utilized in connection with a lawful principal or accessory use of the lot. The term "accessory storage container" includes, but is not limited to, containers such as boxcars, semitrailers, roll-off containers, slide-off containers, railroad cars and "piggyback" containers. The term "accessory storage container" does not include a garage or barn accessory to a dwelling or a storage structure accessory to a dwelling, provided such structure is not of a type designed, equipped or customarily used for over-the-road transport of goods, materials or merchandise. An accessory storage container is considered a structure and must meet any required setbacks from property lines.[Added 11-5-2013]

ACCESSORY STRUCTURE — A subordinate structure that is detached from the principal structure, the use of which is incidental to that of the principal structure.

ACCESSORY USE — A use that is clearly incidental to the principal use, that is subordinate in area, extent, or purpose to the principal use being served, and that contributes to the comfort, convenience, or necessity of the principal use and that is located on the same lot with such principal building or use. In a residential district, the accessory use shall not be nonresidential in character. Piers, wharves and bulkheads are included in this definition.[Amended 11-15-2005]

AGRICULTURAL PRODUCTS PROCESSING — The manufacturing, handling, treatment, or packing of crops, livestock, or dairy products, produced or raised on farms, excluding rendering plants, fertilizer manufacturing plants, and similar manufacturing operations.

AGRICULTURE or FARMING — The production, keeping, or maintenance for sale or lease, of plants and/or animals, including, but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.[Amended 11-10-2009]

ALTERNATE CODE ENFORCEMENT OFFICER — A certified code enforcement officer appointed by the Camden Board of Selectmen to act in the absence of the appointed Code Enforcement Officer.

AMUSEMENT PARK — A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

AUTO REPAIR GARAGE — A building in which serviceable motor vehicles are maintained, serviced, or repaired.

BACK SETBACK — See "setback, back." **[Added 11-15-2005]**

BANNER — Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National, state, or municipal flags, or the official flag of any institution or business shall not be considered banners.

BAR or LOUNGE — An establishment or part of an establishment used primarily for the sale or dispensing of liquor by the drink.

BOAT AND MARINE SALES AND SERVICE — The sale of boats, yachts and accessories, including maintenance, storage, repair or rental. The facility may include removal and launching facilities, floats and docks, water and electrical hookups and fuel pumps. **[Added 11-15-2005]**

BREAKWATER — A permanent, solid structure of rock, concrete, steel or wood (or combination thereof), extending from the shoreline into the waters for the principal purpose of breaking and reducing the force of waves. **[Added 6-20-2006]**

BUILDING — Any structure having a roof. Each portion of a building, separated from other portions by a fire wall, shall be considered as a separate building.

BUILDING COVERAGE — The percentage of lot area covered or occupied by principal and accessory structures, where the building foundation meets the ground, including all floor overhangs, but excluding roof overhangs and decks. **[Amended 11-14-2006]**

BUILDING OFFICIAL — See "Code Enforcement Officer." **[Added 6-12-2012]**

BULKHEAD — A permanent, solid structure or wall built along the shore to retain and protect the upland from wave and sea erosion. **[Added 6-20-2006]**

CAMPING GROUND — A parcel of land used for overnight accommodations for campers, including erection of tents, overnight cabins and parking facilities.

CANNABIS — See "marijuana." **[Added 6-12-2019]**

CHURCH — As used in this chapter, refers to a place of worship regardless of denomination.

CLEAR-CUTTING — Any timber harvesting which over a ten-year period results in an average residual basal area of trees over six inches in diameter measured at four feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of trees at least five feet in height that meets the regeneration standards defined under 12 M.R.S.A. Chapter 805, § 8869, Subsection 1.

CLINICS FOR ANIMALS — A place for the medical treatment of animals. **[Added 11-11-2006]**

COASTAL WETLAND — All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action during the highest annual tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes and include all areas affected by tidal action, not just those areas where salt marshes and salt meadows exist. Cobble and sand beaches, mudflats, and rocky ledges below the highest annual tide are all considered to be coastal wetlands. **[Added 11-15-2005; amended 6-14-2016]**

CODE ENFORCEMENT OFFICER — The official responsible for enforcement of this chapter and for other duties set forth by state statute and other ordinances. The Code Enforcement Officer (CEO) and Assistant Code

Enforcement Officer shall also have all the duties of a building inspector and shall be certified by the state in accordance with Title 30-A M.R.S.A. § 4451. An Assistant Code Enforcement Officer may be appointed to serve at the direction of the CEO, and in the CEO's absence shall have all authority of a CEO pursuant to local ordinances and state statutes. The CEO and the Assistant CEO shall also serve as Building Official and Assistant Building Official in the enforcement of the MUBEC. **[Amended 6-12-2012]**

COLLEGE — A degree-granting institution of higher (post-secondary) education.

COMMERCIAL — The use of lands, buildings, or structures, the intent and result of which activity is the production of income from the buying and selling of goods and/or services or the support of such activity, exclusive of residential buildings and/or dwelling units that are offered for rent. **[Added 11-3-2015]**

COMMERCIAL OUTDOOR RECREATION — Outdoor recreation activities that are operated by an entity other than a unit of government and which are available for use for a fee, including but not limited to standard golf courses, ice skating rinks, tennis courts, cross-country ski trails, and alpine ski trails and the rental of nonmotorized sports equipment, but excluding games and activities common to amusement parks. Private outdoor recreation facilities serving exclusively a residential use shall be considered accessory to the residential use.

COMMERCIAL SCHOOL — See "school, commercial." **[Added 11-15-2005]**

COMMUNITY BUILDING — A private building used by a fraternal, philanthropic or other civic organization and which may be made available from time to time for community functions.

COMMUNITY LIVING USE — A state-approved, authorized, certified or licensed group home, or intermediate care facility for eight or fewer mentally handicapped or developmentally disabled persons.

CONGREGATE HOUSING — A type of dwelling in which each individual has a private or semiprivate bedroom or living quarters accommodating no more than two residents but shares with other residents a common dining room and other common elements. Congregate housing may include services such as a recreation area, housekeeping, personal care and assistance, transportation assistance or specialized services such as medical support that are offered for the use of residents. Incidental use of facilities by the general public shall be permitted, but shall not cause such facilities to be treated as separate uses. **[Added 11-5-2015; Amended 6-13-2018]**

CONSOLIDATED PIER — A shared pier that meets the standards of Article X, § 290-10.2I.

CORNER LOT — Lot located at the intersection of two streets.²

DAY-CARE CENTER or NURSERY SCHOOL — A facility licensed by the State of Maine for the care or instruction of more than three preschool-aged children, exclusive of children who may be living in the home which is serving as the day-care or nursery school facility.

DAYS — For purposes of computation of the time period for any action or appeal within this chapter, "days" shall mean consecutive calendar days; provided, however, that in the event that the last day of any such time period falls on a Saturday, Sunday, or a holiday in which the Town office for Camden is closed, then the time period shall be deemed to expire on the next succeeding calendar day that the Town offices are open for business.

DRIVE-THROUGH WINDOW — A facility associated with some eating places, banks, and other service enterprises and designed to enable customers or patrons to remain in their motor vehicles while passing by an external opening in the structure where they place or receive orders or transactions. A window designed to receive orders or transactions exclusively from pedestrians is not included in the term "drive-through window."

DRIVEWAY — A vehicular access from a public or private way to a structure or use on a lot. Driveways shall be a maximum of 20 feet wide. A driveway may cross front, side and rear setbacks and may be utilized for parking. A driveway is less than 500 feet in length serving two single-family dwellings or one two-family dwelling, or less. **[Amended 11-10-2009]**

DWELLING — A building used as the living quarters for one or more families. The term "dwelling" shall also include manufactured housing as defined by Title 30-A M.R.S.A. § 4358, Subdivision 1, as the same may, from

2. Editor's Note: The original definition of "cottage," which immediately followed this definition, was repealed 6-14-2022.

time to time, be amended, and an older mobile home as further defined in this chapter.

DWELLING UNIT — A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one person or family at a time, and containing living, sleeping, toilet and cooking facilities. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units. A dwelling unit may not be rented for periods of less than seven consecutive days.**[Amended 11-10-2009]**

DWELLING, ATTACHED — A single-family dwelling which has two or more fire separation walls, or one fire separation wall in the case of a dwelling unit at the end of a group of attached dwellings; which has no dwelling unit above or below it; and which has no common hallway with any other dwelling unit.

DWELLING, MULTIFAMILY — One or more buildings used for residential occupancy by more than two families, each living independently of the other.**[Amended 6-20-2006]**

DWELLING, SINGLE-FAMILY DETACHED — A building separate from any other building and that is designed and used exclusively for the living quarters of one family only and not containing more than one dwelling unit. The term includes manufactured housing and older mobile homes.

DWELLING, TWO-FAMILY — A building used for residential occupancy by two families living independently of each other.

ESSENTIAL SERVICES —

- A. The construction, alteration, or maintenance of the following facilities, provided they serve primarily the Town of Camden or a neighborhood or structure within the Town: steam, fuel, gas, communication, transportation, electric power, or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services. See also "public utility." Essential services shall not be subject to the space and bulk standards of this chapter.
- B. The essential services shall not include a wireless telecommunications facility for which a permit is necessary in accordance with Chapter 282, Wireless Telecommunications Facilities, except that a wireless telecommunications facility shall be deemed to be an essential service in the following limited circumstances:
 - (1) When such facility or a structure which is part of such facility involves co-location as part of an existing wireless telecommunications facility upon issuance of a permit by the Code Enforcement Officer as set for in § 282-4A of Chapter 282, Wireless Telecommunications Facilities;
 - (2) Location of an antenna in an existing structure, such as (for purposes of illustration) a church steeple, silo or multistory building, with no exterior storage of equipment outside that existing structure.

ESTABLISHED UNIFORM SETBACK RELATIONSHIP — For purposes of the determination of the front setback in the Traditional Village District (V), the Village Extension District (VE), the Transitional Business District (B-3), and the Neighborhood Service District (B-4), the "established uniform setback relationship" is the established relationship which is deemed to exist when the distance between the part of the principal building nearest to the street and the edge of the right-of-way of that adjoining street for the two adjacent lots fronting on the same street on each side of the subject parcel (the parcel for which the setback is being determined) is, for each such building, within five feet of the average setback distances of the principal buildings on those four lots.

FAMILY — One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding home, rooming house, or hotel.

FINANCIAL SERVICE — A service listed under U.S. Standard Industrial Classification Codes 60 through 67, inclusive, and including banking, other credit agencies, security and commodity brokers and service, insurance,

real estate and investment offices.

FLAG — Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLEA MARKET — An outdoor market selling antiques, used household goods, curios, and the like, at a frequency of more than four days in any six-month period. Flea markets, as distinguished from yard (or garage) sales, shall be prohibited under this chapter.

FLOOR AREA — The surface of a structure on which one walks.

- A. GROSS FLOOR AREA — The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings and areas with less than six feet of headroom. **[Amended 6-9-2015]**
- B. NET FLOOR AREA — The calculation of the sum of the floor area devoted to the permitted use(s) on all floors of the building for the purpose of determining a parking requirement. Other areas, such as those used for utilities, storage, stairs, corridors and restrooms, shall not be included in the calculation. **[Added 6-20-2006; amended 6-9-2015]**

FLOOR AREA RATIO (FAR) — Floor area ratio (FAR) is the ratio of total building floor area in relation to the area of a parcel. A parcel in a Business Opportunity Zone has a maximum FAR of two which, when multiplied by the parcel area, produces the maximum amount of net floor area that is allowed under this chapter on that particular parcel. **[Added 6-9-2015]**

FOOD SERVICE — The serving of prepared food and beverages to the public. For the purposes of this chapter, establishments involved with food service shall be divided into the following categories:

- A. FORMULA-BASED FOOD SERVICE ESTABLISHMENT — A food service establishment that stands alone or with other use(s) that is required by contract or other management arrangement to serve a prescribed "formula" menu and to use a trademark, logo, service mark or other mutually identifying name or symbol that is shared by 50 or more other restaurants regardless of ownership or location.
- B. RESTAURANT — A business establishment that meets state and Town licensing requirements where the preparation of food and beverages for consumption, on or off the premises, is the principal use.
- C. MARKET — A retail establishment where the principal use is the sale of food, groceries and similar goods where no alcoholic beverages are sold for consumption on premises. A market may also prepare and sell food for consumption off-site, but for the purposes of this chapter, the sale of prepared food shall be considered accessory to the principal use.

FOREST MANAGEMENT ACTIVITIES — Timber management and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

FORMULA-BASED FOOD SERVICE ESTABLISHMENT — A food service establishment that stands alone or with other use(s) that is required by contract or other management arrangement to serve a prescribed "formula" menu and to use a trademark, logo, service mark or other mutually identifying name or symbol that is shared by 50 or more other restaurants regardless of ownership or location. **[Added 6-12-2019]**

FOUNDATION — The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material. **[Added 6-20-2006]**

FRONT SETBACK — See "setback, front." **[Added 11-15-2005]**

FRONTAGE —

- A. The linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of this chapter, the following ways shall constitute legal access to a lot along which frontage shall be measured:
- (1) A way accepted by or established as belonging to the Town of Camden, Knox County, or the State of Maine, provided access is not specifically prohibited;
 - (2) A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;
 - (3) A private or public way which has not been approved by a governmental subdivision but which has been established in a deed recorded in a registry of deeds or otherwise legally established by adverse possession or adverse use.
- B. In the case of a lot bordering upon more than one way as defined above, the measurement of frontage shall include the entire length of the property line along such way or ways. "Minimum street frontage" shall mean continuous frontage.

FUNCTION HALL — A building or a portion of a building used for the purpose of hosting a function, such as a conference, party, banquet, reception or other social event. **[Added 6-17-2009]**

FUNCTIONALLY WATER-DEPENDENT USES — Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and that cannot be located away from these waters. The uses include, but are not limited to: commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings; finfish and shellfish processing; fish storage and retail and wholesale marketing facilities; waterfront dock and port facilities; shipyards, boatyards, and boat-building facilities; marinas; navigation aids; basins and channels; retaining walls; industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site; and uses which primarily provide general public access to coastal or inland waters. **[Amended 11-10-2009; 6-15-2010]**

FUNERAL HOMES — Establishments where the deceased are prepared for burial or cremation, where the body may be viewed, and where funeral services are sometimes held. **[Added 11-15-2005]**

GAS STATION — An establishment where gasoline and other petroleum products are sold principally for use in motor vehicles. A gas station may not be considered an accessory use, except: **[Amended 6-9-2015]**

- A. At marinas if the sale of gasoline for use in motor vehicles is incidental and accessory to the sale of fuel for marine purposes; and
- B. As a special exception in the Business Opportunity Zone as described in Article VIII, § 290-8.16.

GOLF COURSE — A tract of land for playing golf, improved with trees, greens, fairways, and hazards, and which may include clubhouses and shelters. The term excludes miniature golf courses.

GREAT POND — Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except for the purposes of this chapter, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. Any pond known as "GPA," pursuant to 38 M.R.S.A. Article 4-A, § 465-A. **[Amended 11-2-2010]**

GROUND COVERAGE — The percent of lot area covered or occupied by all structures, parking lots, and other disturbed surfaces that are nonvegetated.

HAIR SALON — A place where hair is cut and styled. The use may include ancillary services, such as facials, manicures, pedicures and tanning devices. **[Added 6-20-2006]**

HARBOR LINE — The harbor line for the Inner Harbor is the line as described on the Official Zoning Map B of

the Town of Camden as adopted by a vote of the electoral body on June 10, 1986. The harbor line for the remainder of the Town's shoreland area is the mean high waterline.

HEALTH SERVICE FACILITY — An outpatient establishment furnishing medical and fitness services to humans, including the offices of physicians, dentists, and other health practitioners, clinics, medical laboratories, blood banks, and health clubs.

HEIGHT OF BUILDING OR STRUCTURE — Vertical measurement from a point on the ground at the average original grade adjoining the foundation to the highest point of the building or structure, excluding incidental protrusions. In all districts except the Harbor Business District, the height specified in Article VIII may be increased by four feet if all roof areas of the structure above 16 feet have a pitch of five in 12 or greater. **[Amended 6-20-2006]**

- A. **ORIGINAL GRADE** — The grade of the land that exists prior to the beginning of the proposed construction; provided, however, that if the grade has been altered in the 12 months prior to the application for a building permit for the proposed construction, as evidenced by a building permit or an excavation permit issued pursuant to Article V, § 290-5.2, or Article XA, § 290-10A.2B, the original grade shall be the grade of the land that existed prior to the alteration.
- B. Average original grade: except for buildings wholly or partially within the floodplain, average original grade shall be calculated by taking the original grade elevations every 10 feet along the perimeter of the foundation or proposed foundation, beginning at the lowest point. The average of all of these elevations shall be the average original grade from which the height of building is measured.
- C. For buildings or structures wholly or partially within the floodplain, the lowest original grade for purposes of calculating average original grade shall be the lowest floor level allowed by the Camden Floodplain Management Ordinance; except that any building or structure existing as of June 9, 1992, whose average grade as of that date is lower than the lowest floor allowed by Chapter 29, Floodplain Management, shall be measured from the average original grade existing as of that date. The applicant shall have the burden of submitting sufficient evidence of the average original grade existing as of June 9, 1992. Notwithstanding the calculation of height set forth above in this subsection, for nonresidential buildings of one story, used exclusively for construction, storage or repair of boats or ships on lots abutting the Inner Harbor, height of such a building shall be calculated as a vertical measurement exclusively from the lowest floor for that building allowed by Chapter 29, Floodplain Management.
- D. A plan of the building or structure, prepared by a registered professional (either surveyor, engineer, or architect), showing elevations in at least ten-foot horizontal increments around the foundation or the proposed foundation, shall be submitted with any building permit application, unless the vertical measurement from the lowest original grade adjoining the foundation to the highest point of the building or structure, excluding incidental protrusions, is less than the maximum height allowed in the district or unless the application does not entail a change in the maximum existing height of the building or structure.
- E. "Incidental protrusions" shall mean structures attached or fixed to a building or structure which do not exceed in area 5% of the ground coverage of the building or structure, or proposed building or structure. Chimneys, antennas, cupolas, towers, or steeples are examples of the type of structures that are usually considered incidental protrusions.
- F. The term "height of building" shall also mean the height of a structure.

HIGH-ELEVATION AREAS — Lands more than 500 feet above mean sea level, subject to the special performance standards of this chapter.

HISTORIC DISTRICT — Lots identified as historic and so identified on the Historic Areas Overlay Map.

HOME OCCUPATION — An occupation or profession which is accessory to a residential use and is customarily carried on in a dwelling unit or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; and conforms with the standards of Article XA, § 290-10A.7, of this chapter.

HOSPITAL — An institution licensed by the state to provide human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facility.

HOTEL or MOTEL — See "lodging."

INDIVIDUAL PRIVATE CAMPSITE — An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed 10 individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fireplace, or tent platform.**[Amended 11-10-2009]**

INN — See "lodging."

JUNKYARD — A yard, field, or other area used as a place of storage for the following items, excluding items which are being stored out of doors for household use within a reasonable period of time:

- A. Three or more unserviceable, discarded, worn-out, or junked motor vehicles as defined by state law, not including temporary storage, as defined by state law, by an establishment or place of business engaged primarily in doing auto body repair work for the purpose of rendering a motor vehicle serviceable;
- B. Discarded, worn-out, or junked plumbing, heating supplies, household appliances, and furniture;
- C. Discarded, scrap, junked lumber; or
- D. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

LOCAL PASSENGER TRANSPORTATION SERVICE — A privately owned for-hire company that provides transportation services to customers.**[Added 6-9-2015]**

LODGING — An overnight accommodation with sleeping arrangements provided for a fee. For the purposes of this chapter, all lodgings shall be divided into the following categories:

- A. **HOMESTAY** — A use that is accessory and incidental to the primary use of a dwelling as a residence and that:
 - (1) Provides one or two furnished bedrooms for rent to guests;
 - (2) Is operated by the family or person residing permanently in the home;
 - (3) Employs no persons who are not residing permanently in the home;
 - (4) Exhibits no signs and conducts no advertising other than being listed with a referral service;
 - (5) Provides all parking on-site; and
 - (6) Gives no other exterior display or indication of the activity. A maximum of one homestay is allowed per multifamily building.
- B. **ROOMING HOUSE** — A building of residential character in which three, but no more than 10, furnished rooming-house bedrooms are rented to guests usually staying more than two weeks for the purpose of lodging and/or the taking of meals, and in which the family or person residing permanently in the home acts as proprietor. The minimum lot area per room shall be 3,000 square feet.
- C. **INN** — A type of lodging based in the permanent dwelling of the person or family acting as proprietor and that accommodates for a fee travelers and other transient guests who are staying for a limited duration. An inn has 10 or fewer sleeping rooms offered for rent; does not provide full-service dining, but may serve breakfast and/or an afternoon snack to guests only; and may be licensed to host up to eight special functions per year, including the serving of meals to such gatherings, provided that written notification is provided

to the Code Enforcement Officer and that parking for such functions is provided on-site or through other off-street arrangements. An inn located on a nonconforming lot shall be subject to the terms of Article VI, § 290-6.2B(3), of this chapter.

- D. **HOTEL or MOTEL** — A commercial building or group of buildings built or converted to accommodate, for a fee, travelers and other transient guests, who are staying for a limited duration, with sleeping rooms (with or without cooking facilities). A hotel or motel may include restaurant facilities where food is prepared and meals are served only to its overnight guests; however, restaurant food service to the general public may be provided in Article VIII, § 298-8.7C(3)(f).

LOT — All contiguous land in parcels in single or joint ownership described on a deed, plot plan, or similar legal document recorded in the Knox County Registry of Deeds and having frontage. In the shoreland zone, the area of a lot is the area of land enclosed within the boundary lines of the lot, minus land below the normal high waterline of a water body or upland edge of a wetland and areas beneath roads serving more than two lots. **[Amended 11-10-2009]**

LOT COVERAGE — See "ground coverage."

LOW-IMPACT USE — A commercial or other nonresidential use not otherwise allowed in a zoning district that shares a structure with a dwelling unit and that complies with the standards of Article VII, § 290-7.4J, of this chapter, which standards are intended to assure that the use fits into its surroundings without adverse impact while allowing a reasonable degree of diversity characteristic of village settings. A low-impact use is not required to meet the standards of Article XA, § 290-10A.8.

MANUFACTURED HOUSING — See "dwelling."

MANUFACTURING — The processing, fabrication, assembly, or packaging of products or parts.

MARIJUANA — The following definitions apply only to the commercial cultivation, processing and manufacture of adult use marijuana: **[Added 6-12-2019]**

- A. **ADULT USE MARIJUANA** — Marijuana cultivated, manufactured, distributed or sold by a marijuana establishment, as that term is defined in 28-B M.R.S.A. § 102, Subdivision 1, as may be amended.
- B. **ADULT USE MARIJUANA PRODUCT** — A marijuana product that is manufactured, distributed, or sold by a marijuana establishment, as the term is defined in 28-B M.R.S.A. § 102, Subdivision 2, as may be amended.
- C. **CULTIVATION or CULTIVATE** — The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for sale. "Cultivation" or "cultivate" does not include manufacturing, testing, or marijuana extraction, as the term is defined in 28-B M.R.S.A. § 102, Subdivision 12.
- D. **IMMATURE MARIJUANA PLANT** — A marijuana plant that is not a mature marijuana plant or a seedling as the term is defined in 28-B M.R.S.A. § 102, Subdivision 19, as may be amended.
- E. **INDOOR MARIJUANA CULTIVATION FACILITY** — A marijuana cultivation facility within a fully enclosed structure that is regulated by the Maine Uniform Building and Energy Code (MUBEC), as may be amended, that has a complete roof enclosure that may be supported by connected walls extending from the ground to the roof; and may or may not have a foundation, slab, or equivalent base to which the floor is to be securely attached but must be anchored to the earth to prevent uplift.
- F. **MARIJUANA** — The leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. Marijuana includes marijuana concentrate but does not include industrial hemp as defined in Title 7 M.R.S.A. § 2231, Subsection 1-A, or a marijuana product, as that term is defined in 28-B M.R.S.A. § 102, Subdivision 33, as may be amended.
- G. **MARIJUANA CONCENTRATE** — The resin extracted from any part of the Marijuana Plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including but not limited to, hashish, as the term is defined in 28-B M.R.S.A. § 102, Subdivision 28, as may be amended.

- H. **MARIJUANA CULTIVATION FACILITY** — A state-licensed facility licensed to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to marijuana products manufacturing facilities, to marijuana stores and to other marijuana cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seeds to marijuana stores, as that term is defined in 28-B M.R.S.A. § 102, Subdivision 13, as may be amended. A marijuana cultivation facility is only authorized where expressly allowed by special exception as outlined in Article VII, § 290-7.4. Marijuana cultivation facilities are categorized as follows:
- (1) **TIER 1 MARIJUANA CULTIVATION FACILITY** — A Tier 1 cultivation facility allows cultivation of:
 - (a) Not more than 30 mature marijuana plants and an unlimited number of immature marijuana plants and seedlings; or
 - (b) Not more than 500 square feet of plant canopy.
 - (2) **TIER 2 MARIJUANA CULTIVATION FACILITY** — A Tier 2 cultivation facility allows cultivation of not more than 2,000 square feet of plant canopy.
- I. **MARIJUANA ESTABLISHMENT** — A marijuana cultivation facility, a marijuana products manufacturing facility, a marijuana testing facility, or a marijuana store as the term is defined in 28-B M.R.S.A. § 102, Subdivision 29, as may be amended, and that is licensed by the state. A marijuana establishment is only authorized where expressly allowed by special exception as outlined in Article VII, § 290-7.4.
- J. **MARIJUANA EXTRACTION** — The process of extracting marijuana concentrate from marijuana using water, lipids, gases or solvents or other chemicals or chemical process, as defined in 28-B M.R.S.A. § 102, Subdivision 30, as may be amended.
- K. **MARIJUANA PLANT** — All the species of the plant genus marijuana, including but not limited to a mother plant, a mature marijuana plant, an immature marijuana plant or a seedling, as defined in 28-B M.R.S.A. § 102, Subdivision 32, as may be amended.
- L. **MARIJUANA PRODUCT** — A product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. A marijuana product includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. Marijuana product does not include marijuana concentrate, as the term is defined in 28-B M.R.S.A. § 102, Subdivision 33, as may be amended.
- M. **MARIJUANA PRODUCTS MANUFACTURING FACILITY** — A manufacturing facility licensed by the state to purchase adult use marijuana from a marijuana cultivation facility or another marijuana products manufacturing facility; to manufacture, label and package adult use marijuana products; and to sell adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other marijuana products manufacturing facilities, as the term is defined in 28-B M.R.S.A. § 102, Subdivision 43, as may be amended. A marijuana products manufacturing facility is only authorized where expressly allowed by special exception as outlined in Article VII, § 290-7.4.
- N. **MARIJUANA TESTING FACILITY** — A state-licensed facility licensed to develop, research, and test marijuana, marijuana products and other substances, as the term is defined in 28-B M.R.S.A. § 102, Subdivision 54, as may be amended.
- O. **MANUFACTURING or MANUFACTURE** — The production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including but not limited to, marijuana extraction or preparation by means of chemical synthesis, as the term is defined in 28-B M.R.S.A. § 102, Subdivision 26, as may be amended. "Manufacturing" or "manufacture" does not include cultivation or testing.
- P. **MATURE MARIJUANA PLANT** — A marijuana plant that is flowering as defined in 28-B M.R.S.A. § 102, Subdivision 36, as may be amended.

- Q. **OUTDOOR MARIJUANA CULTIVATION FACILITY** — A marijuana cultivation facility where the marijuana is grown outdoors; and one that is not an indoor cultivation facility.
- R. **PLANT CANOPY** — The total surface area within a state licensed premises of a cultivation facility that is authorized by the state for use at any time by the state licensed cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the state-licensed cultivation facility, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants, as that term is defined in 28-B M.R.S.A. § 102, Subdivision 41, as may be amended.
- S. **SEEDLING** — A marijuana plant, as that term is defined in 28-B M.R.S.A. § 102, Subdivision 51, as may be amended, that is:
- (1) Not flowering;
 - (2) Less than six inches in height; and
 - (3) Less than six inches in width.
- T. **TESTING or TEST** — As it relates to adult use marijuana, the research and analysis of marijuana, marijuana products, or other substances for contaminants, safety or potency, as the term is defined in 28-B M.R.S.A. § 102, Subdivision 53, as may be amended. "Test" or "testing" does not include cultivation or manufacturing.

MARINA — A business establishment having frontage on navigable water and, as its principal use, providing for offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.**[Amended 11-10-2009]**

MARINE RAILWAYS — A parallel set of rails running from a marine-related facility to the water for the purposes of launching, repairing, and retrieving boats and vessels onto land to which said set of rails is connected.

MINERAL EXPLORATION — Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

MINERAL EXTRACTION — Any operation within any twelve-month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports the product removed away from the extraction site.

MOBILE HOME PARK — A parcel of land approved by the municipality for the placement of three or more units of manufactured housing or older mobile homes on mobile home park lots in accordance with provisions of this chapter.

MOTOR HOME SALES — The sale of vehicles with a room behind the driver's seat, outfitted as living quarters.**[Added 11-15-2005]**

MOTOR VEHICLE SALES — The sale of automobiles, trucks, buses or similar motor-driven conveyances.**[Added 11-15-2005]**

MUBEC — "MUBEC" or "this code" means the Maine Uniform Building and Energy Code adopted pursuant to 10 M.R.S.A. § 9271 et seq.**[Added 6-12-2012]**

MUNICIPAL USE — A use of land, structure, or building, owned or controlled by the Town of Camden or any district, agency, or commission thereof, which serves a public purpose.

NEIGHBORHOOD STORE — A retail store that occupies less than 2,000 square feet of total floor space, of which at least 60% is dedicated to retail sales of groceries and within which no alcoholic beverages are consumed.

NONCONFORMING LOT — A single lot as described in a recorded deed or instrument which, at the effective date of adoption or amendment of this chapter, does not meet the lot area, lot area per dwelling unit, or frontage requirements of the district in which it is located. It is allowed solely because it was in lawful existence at the time this chapter or subsequent amendment took effect.

NONCONFORMING STRUCTURE — A structure that does not meet the setback, ground coverage, building coverage, view corridor, or height standards of the district in which it is located. It is allowed solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

NONCONFORMING USE — A use of premises that is not permitted in the district in which it is located but which is allowed to remain solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

NONINTENSIVE RECREATION — Leisure-time activity that can be undertaken without altering the natural landscape, can be engaged in individually or in small groups, and does not use motorized vehicles or equipment, as typified by hiking, picnicking, bird-watching, bike riding, and cross-country skiing.

NONRESIDENTIAL USE — The use of a lot which fails to meet the definition of "residential use."

NORMAL HIGH-WATER MARK OR LINE, INLAND — That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support nonforested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high water are considered part of the river or great pond.**[Amended 11-10-2009; 6-15-2010]**

NURSERY SCHOOL — See "day-care center or nursery school."**[Added 11-15-2005]**

NURSING OR CONVALESCENT HOME — A facility in which nursing care and medical services are performed under the general direction of persons licensed to practice medicine in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a twenty-four-hour basis, nursing care and related medical services.

OFFICE/WAREHOUSE/DISTRIBUTION CENTER — A use primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.**[Added 6-9-2015]**

OLDER MOBILE HOME — A single-family manufactured unit which does not meet the definition of manufactured housing as set forth in Title 30-A M.R.S.A. § 4358, Subsection 1A, as the same may from time to time be amended.

OPEN SPACE RESIDENTIAL DEVELOPMENT — A form of housing development which allows the developer flexibility in subdivision and housing design, including use of single-family detached or attached, two-family, congregate housing, and/or multifamily dwellings, in return for setting aside a portion of the tract of land as permanent open space, in accordance with the provision of Article IX, Open Space Zoning, of this chapter. All open space residential developments shall be subject to subdivision regulations and approvals.**[Amended 11-3-2015]**

OWNERSHIP — Single or joint title to a lot or parcel of land described in a recorded deed or instrument. For purposes of determining whether a lot or parcel of land contiguous with another lot has the same ownership, a majority stockholder in a corporation shall be deemed the same owner as the corporation, each general partner shall be deemed the same owner as a partnership, and trustees and beneficiaries of a trust shall be deemed the same owners as the trust.

PARKING FACILITY — An outside lot, or any portion of a lot, used for the parking of motor vehicles where that use is a primary use. The term "facility" shall not include a parking garage.**[Added 11-3-2015]**

PARKING GARAGE — A building used wholly or in part for commercial parking of vehicle. No parking is permitted above the second-story level as measured from street level.**[Added 11-3-2015]**

PENNANT — Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERSONAL SERVICE — A service listed under U.S. Standard Industrial Classification Code 72, and including laundry and cleaning services, photography studios, shoe repair shops, funeral homes, and similar services to the general public.

PIER — A permanent platform-type structure connected to the shoreline and usually built perpendicular therefrom over or beyond the normal high waterline or within a wetland, supported by pilings or cribbing. It is used for the berthing, loading, and unloading of vessels in coastal areas.**[Amended 6-20-2006; 11-10-2009]**

PRIME FARMLAND — Land that has not been urbanized, has slopes that are predominantly 8% or less, and that has soils identified by the National Cooperative Soil Survey as within one or more of the following soils classification: Agawam, Buxton, Charlton, Elmwood, Paxton, Sudbury, Sutton, and Woodbridge.

PRIVATE RESIDENTIAL TREATMENT FACILITY — A treatment facility that provides a comprehensive, voluntary recovery program for alcohol and other substance abuse disorders, along with concurrent treatment for associated mental health issues, appropriate for the level of care provided. The facility must only be utilized for private residential rehabilitation that requires overnight care. A private residential treatment facility does not provide outpatient care. Any operator must be licensed by the State of Maine to operate a private residential treatment facility.**[Added 6-13-2018]**

PRIVATE SCHOOL — See "school, private."**[Added 11-15-2005]**

PROFESSIONAL OFFICE — A structure which houses a business or corporate office or the office of a person or persons who supply a professional service other than a financial service, health service, or personal service, as defined in this chapter. Such professional services include accounting and bookkeeping, advertising and public relations, and radio, television and movie business offices, engineering, surveying, computer and data processing, photocopying and blueprinting, law, management and other professional consulting, membership organizations' offices, personnel supply, real estate, insurance, secretarial, social services, business services, business offices, and other services clearly similar in nature and purpose to those listed here.

PUBLIC SCHOOL — See "school, public."**[Added 11-15-2005]**

PUBLIC UTILITY — Those essential public services, such as, but not limited to, water, sewer, electricity, telephone, cable, data, gas, and transportation, whether publicly or privately owned, which are regulated by the Maine Public Utilities Commission, the Maine Department of Transportation, or Federal Communications Commission. This term also includes buildings, which are necessary for the furnishing of essential public services. See also "essential services."**[Amended 6-20-2006]**

PUBLISHING — The organization, issuance and distribution of information and entertainment material, either by print or electronic media.

QUASI-PUBLIC FACILITY — A facility for a recognized public purpose, such as an auditorium, library, park, or museum, which is operated by a nonprofit organization or by a public agency other than the municipality.

RENTAL OF GOODS AND EQUIPMENT — The rental of goods or equipment, including automobiles, to the general public for personal or household use or to businesses who will be the users of the goods or equipment.

RESEARCH AND DEVELOPMENT ESTABLISHMENT — An establishment in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the establishment.

RESIDENTIAL USE — The use of a lot with one or more dwelling units, community living uses, congregate housing, nursing and convalescent homes and rooming houses. Residential use includes home occupations and homestays. In the case of lots with mixed uses and for the purpose of determining the need to meet the minimum setback requirement for nonresidential uses abutting residential uses, the following applies to the abutting parcels

only:[**Amended 11-14-2006; 11-3-2015; 7-10-2020**]

- A. Any lot located in the V, VE, CR, RU-1, RU-2 or RP District that contains both residential and nonresidential uses shall be considered a lot in residential use.
- B. Any lot located in the B-3 or B-4 District shall be considered a lot in residential use if more than 50% of the floor area of all structures is residential.
- C. Any lot located in the I, B-1, B-2, B-H, B-TH or B-R District shall be considered a lot in residential use only if the entire use is residential.

RESTAURANT — See "food service."

RETAIL SALES — The selling of goods or merchandise to the general public for personal or household consumption or to businesses who will be consumers or end users of the goods. The term may include services incidental to the sale of such goods. The term does not include gas stations or restaurants.

ROAD CONSTRUCTION — Construction of public or private roads that are part of a state- or municipally approved project serving the public and/or roads constructed as part of an approved subdivision or site plan.[**Added 6-9-2015**]

ROOMING HOUSE or BOARDINGHOUSE — See "lodging."

SCHOOL, COMMERCIAL — A place or institution for teaching and learning, which place or institution is established for commercial or profit-making purposes, including, by way of example only, schools for dance, music, riding, gymnastics, photography, driving, or business.

SCHOOL, PRIVATE — An institution for teaching and learning which awards post-secondary educational degrees or which provides for continuing education or adult education.

SCHOOL, PUBLIC — A place or institution for teaching and learning, which place or institution teaches courses of study sufficient to qualify attendance there as being in compliance with state compulsory education requirements. The term "public school" shall encompass religious and independent organizations, regardless of their form of ownership, as well as municipal corporations and school administrative districts, provided that their purpose is to give instruction pursuant to state compulsory education requirements.

SETBACK, BACK — The distance between the rear line of the lot, extending the full width of the lot, and the nearest part of any principal or accessory structure on the lot measured from overhangs or other permanent protrusions. "Back or rear setback" and "back or rear yard" are synonymous.

SETBACK, FRONT — The distance between the line of any frontage extending the width of the frontage, and the nearest part of any principal or accessory structure on the lot measured from overhangs or other permanent protrusions. "Front setback" and "front yard" are synonymous.

SETBACK, SHORELAND — The nearest horizontal distance from the normal high waterline of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.[**Added 11-10-2009**]

SETBACK, SIDE — The distance between the side property line and the nearest part of any principal or accessory structure on the lot measured from overhangs or other permanent protrusions. Any lot line not a back lot line or a front lot line shall be deemed a side lot line. "Side setback" and "side yard" are synonymous.

SHORE FRONTAGE — The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.[**Amended 11-10-2009**]

SHORELAND AREA or SHORELAND ZONE — The land area located within 250 feet, horizontal distance, of the normal high waterline of any great pond or river; within 250 feet of the upland edge of a coastal or freshwater wetland, including all areas affected by tidal action; or within 75 feet, horizontal distance, of the normal high waterline of a stream.[**Amended 11-10-2009**]

SIDE SETBACK — See "setback, side."[**Added 11-15-2005**]

SIGN — All definitions pertaining to signs are contained in Article XI of this chapter.

SINGLE-FAMILY DWELLING — See "dwelling, single family." **[Added 11-15-2005]**

SPECIAL EXCEPTION — A use that is generally appropriate within a zoning district but that has the potential for undue impacts on the public health, safety, and welfare, the natural environment, or on municipal services in the district. Such uses may be allowed if specific provision is made for them within the zoning district and if approved by the Zoning Board of Appeals pursuant to the standards contained in Article VII, § 290-7.4, of this chapter.

STREAM — A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5-minute series topographic map or, if not available, a fifteen-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area. **[Amended 11-10-2009]**

STREET LEVEL — The floor of a building that opens to a pedestrianway or vehicular way. When a floor is not at the level of the pedestrianway or vehicular way, then the floor is at street level when it is less than eight vertical feet above or below the level of the pedestrianway or vehicular way. (Appendix 1, examples A, B, C.³) Street level also occurs in the following four circumstances: **[Amended 6-17-2008; 11-3-2015]**

- A. When the grade of the pedestrianway or vehicular way slopes along the side of a building, then street level is the lowest floor that has more than 50% of its floor area above the existing or finished grade. (Appendix 1, example D.)
- B. When, due to the slope of a site, a building has street level on one side and a lower floor that opens to a pedestrianway or vehicular way on any other side, then the building has two street levels. (Appendix 1, example E.)
- C. When a building is located in the 100-year floodplain, street level is the lowest floor that is at least one foot above the 100-year base flood elevation. When, due to the slope of the site, a building also has a street level on any other side, as defined above, then the building has two street levels. (Appendix 1, example F.)
- D. When a building is not located in a floodplain, or does not open to a pedestrianway or vehicular way, then street level is the lowest floor, excluding the basement, that opens directly to the existing or finished grade. (Appendix 1, examples G, H.)

STRUCTURE — Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, excluding fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes. In areas other than shoreland zones, driveways, walkways, patios, or other paved surfaces and essential services are not structures. **[Amended 11-10-2009]**

SUSTAINED SLOPE — The average grade over a horizontal distance of more than 75 feet. **[Added 11-14-2006]**

TECHNICAL SERVICES — Sales, rental, design, engineering and installation of mechanical, electrical or electronic equipment and systems, including audio, video, computing or similar systems.

TEMPORARY STRUCTURE — A structure in place for less than nine months in any twelve-month period. Temporary structures shall be limited by space and bulk standards set forth in the zoning districts.

TEMPORARY STRUCTURE FOR A FUNCTIONALLY WATER-DEPENDENT USE — A structure in place for less than nine months in any twelve-month period for the purpose of marine boat repair or construction, or for any other use functionally dependent upon harbor, bay, or shoreline activities. A temporary structure for functionally water-dependent uses shall be subject to the particular height and ground coverage requirements in Article VIII, § 290-8.12E(2).

3. Editor's Note: Appendix 1 is on file in the Town offices.

THEATER — A facility devoted to showing motion pictures, or for dramatic, musical, or other live performances.**[Amended 6-17-2009]**

TIMBER HARVESTING — The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated in Article X, § 290-10.2S, Clearing or removal of vegetation for activities other than timber harvesting. As used in this chapter, timber harvesting is distinct from clear-cutting, which is separately defined.**[Amended 11-10-2009]**

TOWN DIRECTIONAL SIGNAGE — A coordinated system of municipal signage to direct vehicular and pedestrian traffic to public facilities and to shopping and recreational districts within the Town of Camden.**[Added 6-17-2009]**

TRADESMAN SHOP — The shop of an artist, craftsperson or person in a skilled trade, which may include retailing of items produced on the premises.**[Amended 6-17-2009]**

TRIBUTARY STREAM — A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydraulically with other water bodies. This definition does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this chapter, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.**[Added 11-9-2004; amended 11-10-2009]**

TWO-FAMILY DWELLING — See "dwelling, two-family."**[Added 11-15-2005]**

UNIFORM SETBACK RELATIONSHIP — See "established uniform setback relationship."**[Added 11-15-2005]**

UPLAND EDGE OF A WETLAND — The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt-tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation dominated by woody stems that are six meters (approximately twenty foot) tall or taller.**[Amended 11-10-2009]**

VARIANCE — A grant of permission by the Zoning Board of Appeals to exceed the space and bulk standards or performance standards of this chapter. Any such grant shall strictly comply with the standards and procedures of Article VII of this chapter. A variance is not authorized for establishment or expansion of a use otherwise prohibited.

VEGETATION — All live trees, shrubs, and other plants, including, without limitation, trees both over and under four inches in diameter, measured at 4 1/2 feet above ground level.**[Added 11-10-2009]**

VOLUME — The amount of space enclosed by roof and fixed, solid, exterior walls as measured from the exterior faces of the walls and roof. A basement shall be considered volume if it has a concrete floor and at least seven feet of headroom.

WATER BODY — Any great pond, river or stream.**[Added 11-10-2009]**

WETLAND, FORESTED — A freshwater wetland dominated by woody vegetation that is six meters tall (approximately 20 feet) or taller.**[Added 11-10-2009]**

WETLAND, INLAND OR FRESHWATER**[Amended 11-10-2009]** —

A. Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, that are:

- (1) Of 10 or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

- (2) Inundated or saturated by surface water or groundwater at a frequency and for a duration sufficient to support, and that under normal circumstances does support, a prevalence of wetland vegetation typically adapted for life in saturated soil conditions. Wetlands usually include swamps, marshes, bogs, and similar areas.

B. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

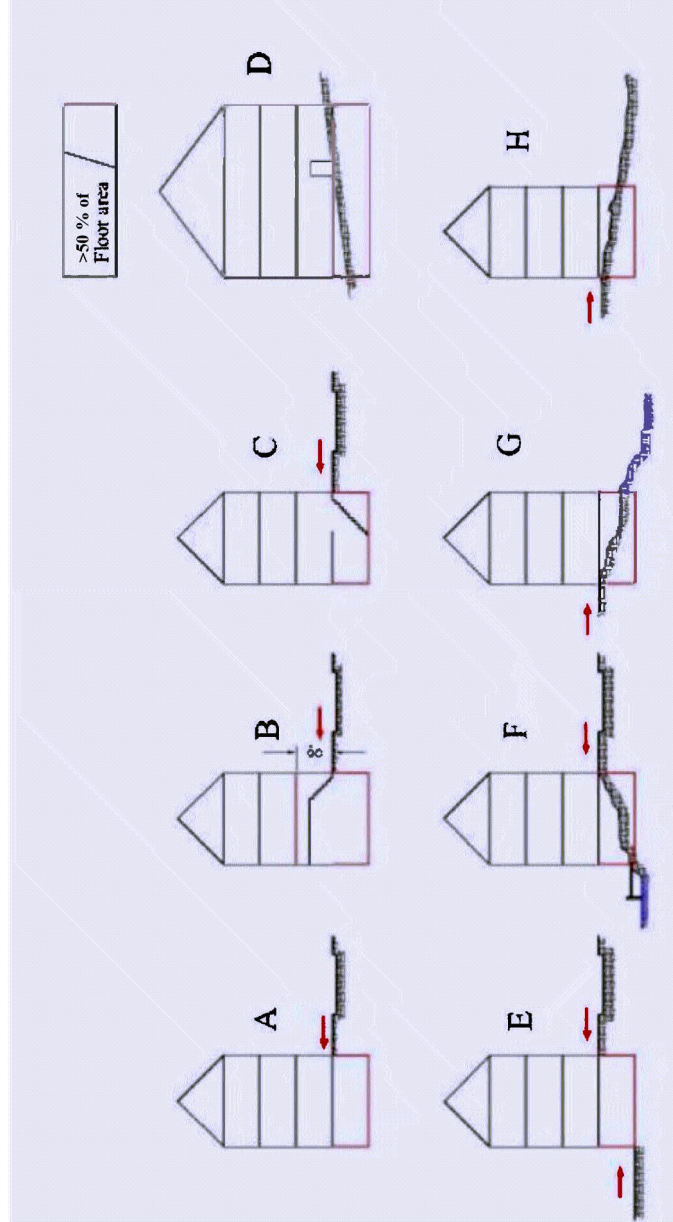
WHARF — A platform-type structure connected to the shoreline and built parallel therefrom over the water, supported by piling or cribbing, used for the berthing, loading and unloading of vessels.[Added 6-20-2006]

WHOLESALE TRADE — The sale of goods in quantity, as to retailers for resale.[Added 11-15-2005]

WIRELESS TELECOMMUNICATIONS FACILITY — Any structure, antenna, tower, or other device which provides radio/television transmissions, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (MR), common-carrier wireless exchange phone services, and personal communications service (PAS) or pager services.

YARD (OR GARAGE) SALE — A sale of used household goods, curios, and the like. Yard (or garage) sales, as distinguished from flea markets, shall be considered to be accessory uses under this chapter and shall not be conducted more frequently than four days in any six-month period.

APPENDIX 1 - STREET LEVEL EXAMPLES



ARTICLE IV Establishment of Districts

§ 290-4.1. Zoning Map.⁴

A map entitled "Town of Camden Zoning Map" is hereby adopted as part of this chapter and shall be referred to as the "Official Zoning Map." The Official Zoning Map (including all overlay maps referred to in this chapter) shall be identified by the signature of the Chairman of the Board of Selectmen and attested by the signature of the Town Clerk. The Official Zoning Map shall be located in the office of the Town Code Enforcement Officer, and it shall be the final authority as to the current zoning status of the land and water areas, building, and other structures in the Town.

§ 290-4.2. Zoning districts. [Amended 11-11-2008; 6-9-2015; 7-14-2020]

- A. The Town is divided into the following districts, as shown by the district boundary lines on the Official Zoning Map:

Natural Resource Protection (RP) District

Rural 1 (RU-1) District

Rural 2 (RU-2) District

Rural Recreation (RR) District

Coastal Residential (CR) District

Village Extension (VE) District

Traditional Village (V) District

Downtown Business (B-1) District

Highway Business (B-2) District

Business Transition (B-3) District

Neighborhood Service (B-4) District

Harbor Business (B-H) District

Transitional Harbor Business (B-TH) District

River Business (B-R) District

Industrial (I) District

(NOTE: The merger of the Transitional River Business (B-TR) District into the Downtown Business (B-1) District, and the resulting discontinuation of the B-TR, was approved by voters July 14, 2020.)

- B. In addition, there are established three overlay areas, which, in addition to the standards of the zoning districts they overlay, are governed by performance standards set forth in Article X, §§ 290-10.2 to 290-10.4. The overlay areas address shoreland areas, high-elevation areas, and historic areas.
- C. An additional overlay zone, the Business Opportunity Zone, is subject to the standards found in Article XII, § 290-12.6L, which may be used in lieu of the current zoning for Zoning Districts B-2, B-3, B-4 and B-R.

§ 290-4.3. District boundaries.

- A. Uncertainty of boundaries. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

4. Editor's Note: The Official Zoning Map is included as an attachment to this chapter.

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
 - (2) Boundaries indicated as approximately following well-established lot lines shall be construed as following such lot lines;
 - (3) Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
 - (4) Boundaries indicated as following shorelines shall be construed to follow the normal high waterline, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center line;
 - (5) Boundaries indicated as being parallel to or extensions of features indicated in Subsection A(1) through (4) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Any conflict between the Zoning Map and description of metes and bounds in a deed shall be resolved in favor of the description by metes and bounds.
 - (6) Where physical or cultural features existing in the ground are at variance with those shown on the Official Zoning Map or in circumstances where the items covered by Subsection A(1) through (5) above are not clear, the Zoning Board of Appeals shall interpret the district boundaries.
- B. Division of lots by district boundaries. Where a zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this chapter, the regulations applicable to the less restricted portion of the lot may be extended into the more restricted portion of the lot, but not more than 50 feet; provided, however, that minimum side yard and back yard requirements and buffering requirements for nonresidential, multifamily, or congregate housing use abutting a residential use shall be observed. **[Amended 11-3-2015]**

ARTICLE V
Administration and Enforcement

§ 290-5.1. Administrative official.

- A. The Code Enforcement Officer shall enforce this chapter, for which purpose he shall establish reasonable procedures. He shall have all of the duties, responsibilities and powers set forth in state statute or local ordinance, including but not limited to the power to issue stop-work orders, notices of violation of this chapter and orders to cease violations, or similar notices in the execution of his duties and the authority to revoke building permits as a result of violations of this chapter and/or MUBEC by the permittee, noncompliance with the building permit, or other sufficient cause under this chapter and/or MUBEC. He shall keep all activities within the jurisdiction of this chapter under surveillance. He shall examine all applications for permits or other actions under this chapter and within 60 days from the receipt of such application grant building and/or use permits to those applications acceptable according to the terms of this chapter, or issue a denial in writing with reasons therefor to those applications which are in violation of this chapter or do not otherwise conform to the terms of this chapter. The Code Enforcement Officer shall cause to be posted in the Town office and on the Town website a monthly report of building permits within 15 days of the end of the month. The Code Enforcement Officer shall keep records of his proceedings and such records shall be made public. He shall institute or cause to be instituted in the name of the Town any actions that might be appropriate for the enforcement of this chapter and for prosecutions of violations of this chapter. He shall report to the Town Manager any changes that might be needed in this chapter and prepare a file for review by the Selectmen and Planning Board for future action. He shall follow up all building and/or use permits to ascertain compliance with any conditions or restrictions imposed on the permittee by the Code Enforcement Officer, Planning Board, or the Zoning Board of Appeals. **[Amended 6-12-2012]**
- B. The action of the Code Enforcement Officer in issuing a stop-work order, notices of violations, or similar notices, and the action of the Code Enforcement Officer in revoking building permits, shall be appealable to the Zoning Board of Appeals by an aggrieved person or party within 15 days after the date of receipt of notice of such action by the aggrieved person or party. All other appeals to the Code Enforcement Officer shall conform with the time periods set forth in Article V, § 290-5.5, of this chapter. Upon appointment by the Board of Selectmen, the Alternate Code Enforcement Officer shall have all the duties, responsibilities and authority of the Code Enforcement Officer.

§ 290-5.2. Permits required. [Added 6-20-2006]

None of the following actions shall be taken until the Code Enforcement Officer has issued a building and/or use permit certifying that the plans of an intended use of the land or building are in conformity with this chapter. No permit shall be issued for a project that includes a new driveway until a driveway/access permit has been issued by the Road Commissioner and/or the Maine Department of Transportation. Said permit shall be posted on-site in a manner that is visible from a public way within seven working days of issuance. In addition to the actions identified below, this chapter applies to any other actions which do not require a building or use permit.

- A. Construction, enlargement, alteration, demolition, or moving of any building or structure, including temporary structures, when the fair and reasonable value of such labor and materials used exceeds \$2,000 cumulatively within a twelve-month period or work requiring a permit per Sections 105 and R105 of MUBEC. Although no permit is required, if the fair and reasonable value of said labor and materials used is equal to or less than \$2,000 cumulatively within a twelve-month period or is exempt per Sections 105 and R105 of MUBEC., said construction, enlargement, alteration, demolition, or moving of any building or structure must still comply with all the provisions of this chapter. **[Amended 6-12-2012]**
- (1) No permit for the complete demolition, in whole or in part, of a building, its additions, ells or wings, located within an historic district as described on the Camden Historic Areas Overlay map, or located in a proposed historic district that is pending final approval by the National Park Service or those individual properties listed on the National Historic Register, but lying outside of the three named National Historic

Districts shall be issued until 120 days after an application for demolition has been received by the Code Enforcement Officer. Within 30 days of application submittal to the Code Enforcement Officer, the Historic Resources Committee shall hold an informational public review meeting regarding the proposed demolition. Notice of the meeting shall be sent by certified return receipt mail to the abutting properties owners, and the Chair of the Camden Historic Resources Committee (HRC); and notice of the meeting shall be published in a newspaper of general circulation at least seven days prior to the public meeting. Costs for the notices shall be borne by the applicant. **[Amended 7-14-2020]**

- (a) For the purpose of this section, "buildings" are defined as structures intended to shelter some sort of human activity. The term "building" can also be used to refer to historically and functionally related buildings, such as a barn or other outbuilding. This section also applies to building additions, such as ells or wings of a building identified as architecturally significant (in the listing of the historic district on the National Register of Historic Places). This section does not apply to interior demolition or demolition, or removal and/or replacement or repair of exterior features, such as siding, windows, trim or decorative elements.
- (b) For the purpose of this subsection, an application for demolition shall include the following information:
 - [1] The address of the property to be demolished.
 - [2] The owner's name, address and telephone number.
 - [3] If different than the owner, the applicant's name, address, phone, and interest in the property.
 - [4] A description of the property, including present use and zoning classification.
 - [5] The reason for requesting a demolition permit.
 - [6] A brief description of the proposed reuse, reconstruction, or replacement.
 - [7] A photograph or photograph(s) of the building/property.
 - [8] Photographs of abutting properties.
 - [9] A drawing or drawings showing location of subject property for demolition, including abutting properties and properties to the front and back of the subject property with sufficient detail to place the property in perspective to surrounding properties. Drawing(s) are not required to be professionally prepared, but shall be clear, complete, and specific.
- (c) During the 120-day waiting period, the owner(s) is encouraged to work with the Historic Resources Committee (HRC) and other interested parties to explore possible alternatives to demolition. Owners/applicants are encouraged to seek alternative options that will preserve, rehabilitate, restore or move such buildings.
- (d) The 120-day delay period may be lessened or waived if it is determined that the building or portion thereof that is contemplated for demolition is deemed to be noncontributing or not architecturally or historically significant. The HRC may make recommendations in this regard to the Code Enforcement Officer, who then may waive or lessen the prescribed 120-day delay period.
- (e) If a building or portion thereof is deemed to be contributing or significant architecturally or historically and demolition will be the final result, prior to issuance of the demolition permit, the owner or the applicant shall prepare and submit an historical building recordation of the property consistent with the intent of the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation. The purpose of this recordation is to preserve an accurate record of historic properties that can be used in research and other historic preservation

activities.

- (f) The owner or applicant shall also work with interested parties to salvage, recycle, and reuse as many of the building materials as possible.
 - (g) Once the review process has been completed and, if required, the historical building recordation submitted, the Code Enforcement Officer may issue the demolition permit.
 - (h) The waiting period shall not apply to demolitions that are ordered by the Code Enforcement Officer or are deemed life safety hazards by the Code Enforcement Officer or the Fire Chief.
- B. New use, including a new commercial use, including indoor and outdoor marijuana cultivation facilities or a change of majority ownership or a modification that is subject to an ordinance requirement or review criteria for that commercial use. **[Amended 6-15-2010; 6-12-2019]**
 - C. Change of exterior dimensions and/or illumination of an existing sign.
 - D. Extraction of mineral resources.
 - E. Excavation or filling of land causing the removal or filling of earth in volumes exceeding 100 cubic yards in a period of one year.
 - F. The provision, whether by fee simple ownership, lease, or other agreement, of off-street parking spaces located on a different lot other than the principal building or use in order to comply with the off-street parking requirements of this chapter.
 - G. Permits issued under Subsections B and F above are exempt from the posting requirement.

§ 290-5.3. Exclusions from permitting. [Amended 6-12-2012]

The following activities are excluded from permitting: Any activities exempted under the MUBEC; painting; and landscaping activities not part of projects or developments requiring site plan review.

§ 290-5.4. Certificate of occupancy. [Amended 6-12-2012]

- A. This section shall apply to all activities requiring a building permit, including alterations and renovations to single-family and two-family dwellings. This section does not apply to work exempt from permitting under the MUBEC and accessory buildings and structures not for human occupancy.
- B. Except as provided in Subsection A of this section, it shall be unlawful to use or occupy or permit the use or occupancy of any land, building, structure or part thereof which is created, erected, moved, changed, converted, altered or enlarged; or to change, alter or enlarge the use of any land, building, or structure for which a building permit is required until a certificate of occupancy is issued therefor by the Code Enforcement Officer and endorsed to the effect that the proposed use of the land, building, or structure conforms with the requirements of this chapter and with applicable state statutes governing plumbing permits and electrical permits.
- C. An applicant shall apply for a certificate of occupancy at the same time as applying for a building permit. After completion of the work permitted by the building permit, the applicant shall notify the Code Enforcement Officer, who shall issue or deny the certificate of occupancy within 15 days. The Code Enforcement Officer's failure to act within 15 days shall constitute denial of the certificate of occupancy. The Code Enforcement Officer shall issue the certificate of occupancy only upon finding that the building, structure, or site and the use or occupancy thereof comply with the provisions of this chapter and of any building permit issued, and of any site plan or subdivision plan approved by the Planning Board or Zoning Board of Appeals. The Code Enforcement Officer shall maintain a public record of all certificates of occupancy which are issued.

- D. One conditional certificate of occupancy, valid for no more than six months from the date of issuance, may be granted by the Code Enforcement Officer based on a showing of reasonable need by the applicant. Once the project is completed, the CEO shall issue a certificate of occupancy.

§ 290-5.5. Photographic record in Shoreland Overlay Zone. [Added 6-14-2022]

Photographic record required. All applicants for a permit for any applicable development within the Shoreland Zone must submit to the Code Enforcement Officer preconstruction photographs and, no later than 20 days after completion of the permitted project or development, post-construction photographs of the shoreline vegetation and development site.

§ 290-5.6. Fee and time limits. [Amended 6-12-2012]

- A. Application shall be in writing on forms provided by the Code Enforcement Officer and account for all aspects to which this chapter applies. Building permits are valid for six months for the beginning of construction or use and for two years for the completion of construction, including finish grading, landscaping, proper backfill, proper drainage, and all other things to cause the construction, renovation, or change to look presentable. An extension of time for six months to commence or to complete may be granted upon application to and approval by the Code Enforcement Officer, upon a showing by the applicant of reasonable need, unless the chapter requirements had been changed after the issuance and receipt of the original permit, in which case the request for extension may be granted only upon application to and approval by the Zoning Board of Appeals. A fee schedule for building or use permits shall be established by the Selectmen annually and the Selectmen shall annually establish a fee for applications for building and/or use permits that are filed by the applicant after the commencement of the activity for which the permit is required, such fee to be greater than the fee for an application that was filed in a timely manner.
- B. Administrative appeals to the Zoning Board of Appeals from an action of the Code Enforcement Officer in issuing or denying building permits or certificates of occupancy shall be made within 60 days of the date of such action or nonaction by the Code Enforcement Officer. Failure of the Code Enforcement Officer to act upon a request for action, except for an application for a certificate of occupancy, or upon an application for a building permit and/or use permit within 60 days of the date of receipt of such application by the Code Enforcement Officer shall constitute denial of that request or application. The Zoning Board of Appeals shall have no authority to decide an appeal or to accept any appeal which has not been made within such sixty-day period.

§ 290-5.7. Violations and penalties.

- A. The monetary penalties for violations of this chapter shall be as follows:
- (1) The minimum penalty for starting construction or undertaking land use activity without a required permit shall be \$100, and the maximum penalty shall be \$2,500 per day.
 - (2) If a required permit is not displayed within seven days of issuance, it shall become null and void, and fees are not refundable.
 - (3) The minimum penalty for any other specific violation shall be \$100, and the maximum penalty shall be \$2,500 per day.
- B. In all other respects, assessments of penalties under this chapter shall be in accordance with Title 30-A M.R.S.A. § 4452. Assessment of penalties shall commence 48 hours after the date of a certified mailing of a notice of violation signed by the Code Enforcement Officer to the person or party in violation of this chapter. Such notice shall be mailed with return receipt requested to the last known address of the person or party in violation of this chapter. Return of the receipt indicating that the notice was undeliverable as addressed or otherwise not delivered to the person or party in question shall not in any respect invalidate enforcement of

this chapter or any penalties for violations thereof. In addition to penalties provided herein, the Town may bring an action in the Superior Court or District Court to enjoin violations of this chapter, for collection of penalties, and for such other relief as by law may be provided.

§ 290-5.8. Legal actions, consent agreements and consent orders. [Added 6-17-2003]

- A. When the actions of the Code Enforcement Officer do not result in the correction or abatement of violations of this chapter, the municipal officers (the Select Board), upon notice from the Code Enforcement Officer, are hereby authorized to institute any and all actions or proceedings, either legal or equitable, including seeking injunctions concerning violations and the imposition of fines and penalties pursuant to Title 30-A M.R.S.A. § 4452, seeking the relief and monetary penalties set forth in that statute that may be appropriate or necessary to enforce the provisions of this chapter in the name of the municipality.
- B. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this chapter and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless the municipal officers are satisfied by the party requesting a consent agreement that the following conditions have been met:
 - (1) There is no evidence that the landowner or the violator of this chapter acted in bad faith;
 - (2) There are no prior violations by the landowner or the violator;
 - (3) The violation did not continue following a municipal order to stop the violation;
 - (4) The illegal structure or use will not result in a threat or hazard to public health and safety and will not result in substantial environmental damage; and
 - (5) The illegal structure or use does not have a significant adverse effect on the value or possession of adjoining properties.
- C. The municipal officers shall give notice to all landowners with land abutting a lot for which a structure or use involves a consent agreement of the Select Board meeting at which the Select Board considers the request for a consent agreement.
- D. In addition to the authority to seek an administrative consent agreement as set forth above, the municipal officers are also authorized to enter into administrative consent orders subject to approval of the Court. The municipal officers shall have the authority to enter into an administrative consent order on such terms and conditions as the municipal officers deem proper.
- E. Upon enactment, this amendment to this chapter shall be effective immediately.
- F. Upon enactment, this amendment shall also amend the appropriate provisions in Chapter XII of the Camden Code.

ARTICLE VI
Nonconformance

§ 290-6.1. Purpose.

The purpose of this article is to regulate nonconforming lots, uses, and structures as defined in this chapter such that they can be reasonably developed, maintained or repaired, or changed to other less nonconforming or to conforming lots, uses, or structures. Definitions of nonconforming lot, nonconforming structure, nonconforming use, and ownership may be found in Article III of this chapter.

§ 290-6.2. Nonconforming lots. [Amended 11-10-2009]

A. Contiguous or partially built.

- (1) If two or more vacant, contiguous lots or parcels, or one or more vacant lots or parcels contiguous with a lot that has a principal use, are in single or joint ownership of record, as defined in Article III of this chapter, at the time of or since adoption or amendment of this chapter and if any of these lots do not individually meet the dimensional requirements of this chapter or subsequent amendments, the lots shall be combined to the extent necessary to meet the dimensional standards, except:
 - (a) Where the contiguous lots front onto different streets; or
 - (b) If the lots were legally and separately created and an approved subdivision plan of those lots was recorded in the Knox County Registry of Deeds after September 22, 1971. This provision shall not apply to two or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons and recorded in the registry of deeds if the lot was created prior to June 12, 1990, and is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and **[Amended 6-15-2010]**
 - (c) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; and
 - (d) Any lots that do not meet the frontage and lot size requirements of § 290-6.2A(1) are reconfigured or recombined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.
- (2) A nonconforming lot of record as of the effective date of this chapter or amendment thereto may be built upon, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this chapter except lot area and frontage can be met. Variance of other requirements shall be obtained only by action of the Zoning Board of Appeals.
- (3) Any nonconforming lot may be modified as long as it does not create a condition which leaves the lot's frontage or area below the minimum requirements of this chapter, or so long as the modification does not worsen an existing legally nonconforming situation.

B. Lots with structures.

- (1) A structure built on a lot prior to enactment of this chapter, which lot does not conform to lot size or lot frontage, may be repaired, maintained or improved, and may be modified in conformity with § 290-6.4 of this article. If the proposed modification of the structure(s) cannot meet the applicable space and bulk requirements, a variance shall be required from the Zoning Board of Appeals.
- (2) If two or more contiguous lots or parcels have the same ownership at the time of adoption or amendment of this chapter, if all or part of the lots do not meet the applicable space and bulk requirements, and if a principal use exists on each lot, or if the lots were legally, separately created and an approved subdivision plan for those lots was recorded in the Knox County Registry of Deeds after September 22,

1971, the nonconforming lots may be conveyed separately or together, providing all other state law, including the State Minimum Lot Size Law (12 M.R.S.A. §§ 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules,⁵ and local ordinance requirements are complied with. If two or more principal uses or structures existed on a single lot of record on the effective date of this chapter, each may be sold on a separate lot, provided that the above referenced-law and rules are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this chapter, as determined by the Zoning Board of Appeals. **[Amended 11-2-2010]**

- (3) An inn located on a lot that is less than two acres in the Traditional Village District shall not add sleeping rooms offered for rent beyond those legally existing as of the date of enactment of this chapter, nor shall it be used more intensely with respect to functions, services, or similar activities otherwise allowed in inns beyond those being routinely and legally offered as of the date of enactment of this chapter. **[Amended 1-15-2005]**
- (4) The residential use of a dwelling unit that is discontinued for a period of 24 consecutive months may not be resumed on a lot that is nonconforming, because the lot does not meet the lot area per dwelling unit requirement for the district in which it is located.
- (5) For the purpose of nonconforming lots with structures, the conversion and/or expansion of a single-family dwelling to a two-family dwelling shall not be considered an increase in a nonconformity on nonconforming, sewerer lots in the Traditional Village and Village Extension Districts. **[Added 6-6-2012]**

§ 290-6.3. Nonconforming uses.

- A. Continuance. The use of land, building or structure, lawful at the time of adoption of this chapter, or of subsequent amendments of this chapter, may continue although such use does not conform to the provisions of this chapter, except as provided in Subsection B, Discontinuance, below.
- B. Discontinuance.
 - (1) A nonconforming use which is discontinued for a period of 24 consecutive months may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this chapter, except for legally existing space and bulk nonconformities, which may continue. **[Amended 11-15-2005]**
 - (2) In the shoreland zone, a nonconforming use which is discontinued for a period of 12 consecutive months may not be resumed, except that the Zoning Board of Appeals, for good cause shown by the applicant, may grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure, provided that the structure has been used or maintained for residential purposes during the preceding five-year period. **[Added 11-10-2009]**
 - (3) Whenever a nonconforming use is changed to a permitted use, such structure and/or land shall thereafter conform to the provisions of this chapter, and the nonconforming use may not thereafter be resumed.
- C. Expansions. A nonconforming use, including a nonconforming outdoor use of land, shall not be extended or expanded in building area or building volume, expanse of area of use, or hours of operation except as defined below. **[Amended 11-6-2012]**
 - (1) Within the Shoreland Zone, nonconforming residential uses may be expanded within existing residential structures or within expansions of such structures as allowed in § 290-6.4. **[Added 11-10-2009]**

- (2) In the RP, RR, B-H, B-R and B-TH Districts, no expansion of a nonconforming use is allowed. **[Added 11-6-2012; amended 7-14-2020]**
 - (3) In the RU-1, RU-2, B-3, V, VE, and CR Districts, which are more residential in character but contain some commercial uses, existing nonconforming uses not in the shoreland zone may be expanded by up to 30% in volume and area of use as existed on November 4, 1992, following Zoning Board of Appeals determination that there will be no greater physical or visual adverse impact on the subject and adjacent properties and resources. In determining there is no greater adverse impact, the decision is to be based on adverse impacts such as changes to traffic (volume and type), noise, and dust. The Zoning Board of Appeals may place additional requirements to the project design to offset current and possible impacts of the nonconforming use, and such requirements will become part of the approval once accepted by the applicant. As part of the approval of expansion, no additional nonconformity shall be allowed to be created on the property and all district standards and applicable site plan review standards must be met. **[Added 11-6-2012]**
 - (4) In the B-1, B-2, and B-4 Districts, which are more commercial in character and contain more business uses, existing nonconforming uses not in the shoreland zone may be expanded by up to the extent allowed by the district regulations following Zoning Board of Appeals determination that there will be no greater adverse physical or visual impact on the subject and adjacent properties and resources. In determining there is no greater adverse impact, the decision is to be based on adverse impacts such as changes to traffic (volume and type), noise, and dust. The Zoning Board of Appeals may place additional requirements to the project design to offset current and possible impacts of the nonconforming use, and such requirements will become part of the approval once accepted by the applicant. As part of the approval of expansion, no additional nonconformity shall be allowed to be created on the property and all district standards and applicable site plan review standards must be met. **[Added 11-6-2012]**
- D. Changes of uses. Upon approval of the Zoning Board of Appeals, a nonconforming use may be changed such that it is less nonconforming or no more nonconforming than the lawfully existing situation. In making its determination that the use is less nonconforming or no more nonconforming than the lawfully existing situation, the Zoning Board of Appeals shall apply the standards of Article VII, § 290-7.4C, Standards for special exception permit. For structures located within a shoreland setback, the Zoning Board of Appeals shall also apply the standards of Article VI, § 290-6.6F. **[Amended 11-15-2005; 6-14-2016]**

§ 290-6.4. Nonconforming structures.

Maintenance, modification, replacement and reconstruction.

- A. Except as set forth in Subsection A(4) of this section, a structure lawfully in existence as of the effective date of this amendment that does not meet the height, yard, or setback restriction of Article VIII may be repaired, maintained, improved, or replaced as set forth in this section. It may be modified and/or accessory structures may be added to the site without a variance, provided that:
- (1) The resulting structure or structures do not exceed the height restrictions of the district in which the structure or structures are located.
 - (2) The resulting structure or structures do not exceed the prescribed maximum ground coverage and maximum building coverage or, in the case of an existing structure which does exceed the prescribed maximum ground coverage or maximum building coverage, the resulting structure or structures do not exceed the existing ground coverage and the existing building coverage.
 - (3) There is no increase in the nonconformity, except that a lawfully nonconforming structure may be expanded in volume and ground-floor area by no more than 30% of the volume and ground-floor area of that portion of the structure that was lawfully nonconforming as of the date of this amendment of this chapter, and provided that the resulting structure or accessory structure is no closer to the front, side, or rear lot line with respect to which the nonconformity exists, unless the resulting structure is allowed to

be closer in accordance with the provisions of Article X, § 290-10.2M(10), of this chapter.

- (4) No structure which is less than the required setback from the normal high waterline of a water body or the upland edge of a wetland shall be expanded further toward the water body or wetland than the part of the lawfully existing nonconforming structure closest to the water body or wetland, and such structure shall further conform with the requirements of Article VI, § 290-6.6, if applicable, and Article X, § 290-10.2M(10), of this chapter.

- B. Any nonconforming building or structure which is lawfully in existence as of the effective date of this chapter and which is hereafter damaged or destroyed by fire, storm, or any other cause which is beyond the control of the owner of that building or structure may be repaired, maintained, improved, or replaced within 24 months of said damage or destruction in conformity with the above requirements in this section.

§ 290-6.5. Transfer of ownership.

Ownership of nonconforming lots, structures, and/or uses as defined in this chapter may be transferred without loss of their lawful but nonconforming status.

§ 290-6.6. Changes in nonconforming structures in shoreland areas. [Amended 6-20-2006; 6-14-2016]

Within shoreland setbacks, a nonconforming structure may be modified under the following circumstances:

- A. Expansions. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Article X, § 290-10.2M. A nonconforming structure may be added to or expanded after obtaining a permit from the Code Enforcement Officer if such addition or expansion does not increase the nonconformity of the structure and is in accordance with Subsection A(1) and (2) below.
 - (1) Expansion of any portion of a structure within 25 feet of the normal high waterline of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high waterline of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
 - (2) Notwithstanding Subsection A(1), above if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high waterline of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Article VI, § 290-6.6A above:
 - (a) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
 - (3) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Article VI, § 290-6.6A(1), above:
 - (a) For structures located less than 75 feet from the normal high waterline of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be greater

than 20 feet or the height of the existing structure, whichever is greater.

(b) For structures less than 100 feet from the normal high waterline of a great pond classified as a GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structures may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high waterline of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Article VI, § 290-6.6A(2)(a) and (3)(a), above.

(c) In addition to the limitation in Subsection A(3)(a) and (b), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high waterline of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Article VI, § 290-6.6A(2)(a) and (3)(a), above.

(4) An approved plan for expansion of a nonconforming structure must be recorded by the application with the Registry of Deeds within 90 days of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

(5) Upon satisfaction of all criteria and applicable chapter requirements, the CEO shall issue the permit two weeks after mailing notices by first class prepaid U.S. postage to the last known mailing address of all abutters.

B. Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Zoning Board of Appeals, or its designee, basing its decision on the criteria specified in § 290-6.6C, Relocation, below.

C. Relocation.

(1) A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Zoning Board of Appeals, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the state of Maine Subsurface Wastewater Disposal Rules,⁶ or that a new system can be installed in compliance with the law and said rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

(2) In determining whether the building relocation meets the setback to the greatest practical extent, the Zoning Board of Appeals shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Zoning Board of Appeals shall require

replanting of native vegetation to compensate for the destroyed vegetation in accordance with Article X, § 290-10.2V. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- (a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
- (b) Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees or a combination thereof.

D. Reconstruction or replacement.

- (1) Any nonconforming structure which is located less than the required setback from a water body, tributary stream or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal may be reconstructed or replaced, provided that a permit is obtained within 18 months of the date of said damage, destruction, or removal and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Zoning Board of Appeals in accordance with the requirements of Subsection C(2) herein. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback, it shall not be any larger than the original structure, except as allowed pursuant to § 290-6.6A above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with § 290-6.6C(2) above.
- (2) Any nonconforming structure which is located less than the required setback from a water body, tributary stream or wetland and which is removed by 50% or less of the market value or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer, within one year of such damage, destruction or removal.
- (3) In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Zoning Board of Appeals shall consider, in addition to the criteria in Subsection D(2) above, the physical condition and type of foundation present, if any.

E. Changes after approval. The Code Enforcement Officer may approve minor field changes after approvals are granted by the Zoning Board of Appeals under this section, provided the change does not expand the footprint.

F. Change of use of a nonconforming structure.

- (1) In addition to the requirements of Article VI, § 290-6.3D, the use of a nonconforming structure may not be changed to another use unless the Zoning Board of Appeals, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

- (2) In determining that no greater adverse impact will occur, the Zoning Board of Appeals shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

§ 290-6.7. Nonconforming ground coverage.

Development consisting of structures, parking lots and other nonvegetated surfaces, which has a nonconforming ground coverage of development, may be repaired, maintained, improved; and buildings and/or accessory structures added to the site and enlarged without a variance for ground coverage, and the location of parking lots and other nonvegetated surfaces within the site may be relocated to other areas within the site or reconfigured, subject to the condition that the total area of all such structures, parking lots and other nonvegetated surfaces does not exceed the total area of the nonconforming ground coverage which was in lawful existence at the time that this chapter or subsequent amendment took effect.

§ 290-6.8. Unlawful uses, structures, or lots.

No provision of this Article VI shall be construed to cause an unlawful use, structure, or lot which exists unlawfully as of the date of enactment of this chapter to be considered lawful or allowable under the provisions of this chapter.

ARTICLE VII
Zoning Board of Appeals

§ 290-7.1. Appointment and composition.

- A. There shall be a Zoning Board of Appeals in accordance with the provisions of 30-A M.R.S.A. § 4353, as the same may be amended from time to time.
- B. The Board shall consist of five members serving staggered terms of three years, appointed by the Board of Selectmen. The Board of Selectmen may also appoint three alternate members to serve in the absence of regular members. Any alternate members appointed to the Zoning Board of Appeals shall serve one-year terms. During the absence of a regular member at any meeting, the Chairman of the Zoning Board of Appeals shall designate the alternate member, who shall serve during the absence of the absent regular member.
- C. Once a member of the Zoning Board of Appeals has been sworn into office, he or she shall continue in that office for the remainder of his or her term without having to renew said oath of office annually.

§ 290-7.2. Procedures.

- A. The Zoning Board of Appeals shall conduct its meetings in accordance with the provisions of 30-A M.R.S.A. § 4353, as the same may be amended from time to time.
- B. The presence of three voting members of the Zoning Board of Appeals shall constitute a quorum.
- C. An appeal or any application for action by the Zoning Board of Appeals shall be granted or a decision of the Code Enforcement Officer can be overruled only upon an affirmative vote of at least three members of the Zoning Board of Appeals on each finding of fact and the final disposition. **[Amended 11-15-2005]**
- D. Before rendering a decision on any appeal, the Zoning Board of Appeals shall conduct a public hearing, which shall be advertised 10 days in advance in a local newspaper and posted in other places usually used for public notices, at the expense of the appellant.
- E. The Zoning Board of Appeals shall not continue hearings to a future date except for good cause.
- F. Written notice of the decision of the Board shall be sent to the applicant and the Code Enforcement Officer within seven days of its decision.
- G. An appeal may be taken from any decision of the Zoning Board of Appeals to the Superior Court within 45 days after the decision, as provided by 30-A M.R.S.A. § 4353, as the same may be amended from time to time.
- H. The Zoning Board of Appeals shall keep records of its proceedings and such records shall be public.

§ 290-7.3. Powers and duties.

The Zoning Board of Appeals shall have the following powers and duties:

- A. Administrative appeals. To affirm, modify or set aside the action of the Code Enforcement Officer in issuing or denying building or use permits, sign permits, or certificates of occupancy when it is alleged that the action is based on an erroneous interpretation of this chapter. **[Amended 6-12-2012]**
- B. Special exception permits. To approve, approve with conditions, or disapprove applications for special exception permits, according to the terms of § 290-7.4 of this article.
- C. Variances. To approve, approve with conditions, or disapprove variances from the strict enforcement of the provisions of this chapter only as they relate to the space and bulk standards of the district regulations or a performance standard contained in Articles X and XA, according to the terms of § 290-7.5 of this article.

- D. Changes in nonconforming uses; or lots, structures, and uses in shoreland areas. To approve, approve with conditions, or disapprove requests to:
 - (1) Change a nonconforming use such that it is less nonconforming or no more nonconforming than the lawfully existing situation, as authorized in Article VI, § 290-6.3;
 - (2) Divide a single lot of record that has two or more principal uses or structures, as authorized in Article VI, § 290-6.2B(2);
 - (3) Relocate a nonconforming structure that is located within the shoreland setback area, as authorized in Article VI, § 290-6.6C;
 - (4) Reconstruct or replace a nonconforming structure located within the shoreland setback area, as authorized in Article VI, § 290-6.6D.
- E. Standards of home occupation. To approve, approve with conditions, or disapprove requests to exceed the specific standards concerning home occupations concerning the number of employees, traffic generated, and percentage of floor area set forth in Article XA, § 290-10A.8, of this chapter, in accordance with the standards of Article VII, § 290-7.6, of this chapter.
- F. Off-street parking. To grant waivers of the off-street parking requirements in the Downtown, River Business, Harbor Business and Transitional Harbor Business Districts in accordance with Article XA, § 290-10A.5D(3)(e), and Article X, Part II, Section 2(c)(5).⁷
- G. Stop-work orders, revocation of permits, and other similar notices. To affirm, modify or set aside the action of the Code Enforcement Officer in issuing stop-work orders, revocation of permits, notices of violations of this chapter, and other similar actions when it is alleged that such action is based upon an error of the Code Enforcement Officer in concluding that there has been a violation of this chapter by any person, noncompliance with building permits or other sufficient cause under this chapter.
- H. To decide an appeal of a site plan decision of the Planning Board concerning errors of law, according to the terms of Article XII, § 290-12.2H.
- I. To decide an appeal of a decision of the Code Enforcement Officer or the Planning Board, as an administrative appeal, from a decision pursuant to Chapter 282, Wireless Telecommunications Facilities, when it is alleged that the decision is based on an erroneous interpretation of that chapter. The review of the Zoning Board of Appeals shall be based exclusively on the record before the Planning Board. An appeal of a decision of the Code Enforcement Officer shall be de novo (requiring an evidentiary hearing).

§ 290-7.4. Special exception permits.

- A. Purpose and applicability. The purpose of this section is to enable the Zoning Board of Appeals to review certain proposed uses of the land that have the potential of creating unusual or undue impacts on surrounding properties, municipal facilities, or the natural environment. A building, structure, or parcel of land may be used for a special exception use if the use is specifically listed in the regulations governing the zoning district in which the use is proposed and if a special exception permit is approved by the Zoning Board of Appeals.
- B. Application for special exception permit. Application for a special exception permit shall be made to the Code Enforcement Officer on forms provided for the purposes accompanied by such fee as the Board of Selectmen shall set on an annual basis for such applications. The applicant shall:
 - (1) Clearly specify the location of the proposed use, including street address, Assessor's Tax Map and lot number, and a location map.

7. Editor's Note: So in original.

- (2) Describe the exact nature of the proposed use.
 - (3) Submit such other materials as will enable the Zoning Board of Appeals to determine that the standards for approval of a special exception permit have been met. The burden of providing the information upon which the Board bases its findings and of proving conformity with the standards shall be the applicant's.
- C. Standards for special exception permit. A special exception may be granted by the Zoning Board of Appeals only in the event that the applicant has established to the satisfaction of the Board that:
- (1) Neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from such a use in the zoning district. In reaching a determination on this standard, the Board shall consider:
 - (a) The size of the proposed use compared with surrounding uses;
 - (b) The intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
 - (c) The potential generation of noise, dust, odor, vibration, glare, smoke, litter, and other nuisances;
 - (d) Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which tend to aggravate adverse impacts upon surrounding properties; and
 - (e) The degree to which landscaping, fencing, and other design elements have been incorporated to mitigate impacts on surrounding properties.
 - (2) Municipal facilities serving the proposed use will not be overburdened. In reaching a determination on this standard, the Board shall consider:
 - (a) The ability of traffic to safely move into and out of the site at the proposed location;
 - (b) The presence of facilities to assure the safety of pedestrians passing by the site;
 - (c) The capacity of the street network to accommodate the proposed use;
 - (d) The capacity of public sewerage and water facilities, if they are to be used, to accommodate the proposed use; and
 - (e) The capacity of the public storm drainage system, if it is to be used, to accommodate the proposed use.
 - (3) The natural characteristics of the site, including topography, drainage, and relationship to groundwater and surface waters and floodplains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.
 - (4) Undisclosed future uses. In an application for a special exception requiring renovation or enlargement of an existing building or new construction, the applicant shall not be required to name specifically all the uses on the lot if they are not known at the time of renovation, enlargement or new construction. Instead, the applicant shall state on his application all the specific uses that are anticipated for the lot. For the area on the lot for which the use is not then known, the applicant shall designate those areas as "undisclosed future uses." The applicant must designate on the application at least one known special exception use. The Zoning Board of Appeals may grant special exceptions for the known specific uses and the project may proceed to site review, if required, and a building permit may be issued after site plan review, with the condition that any required special exceptions for the undisclosed future uses will be obtained when the uses are determined. The lot shall not be used for the undisclosed future uses

which require a special exception until the required special exception is obtained.

- (5) In considering the foregoing standards, the Zoning Board of Appeals shall fully review these standards even though the applicant may also be subject to site plan approval.

D. Additional standards in shoreland areas. For special exception permit applications in shoreland areas, the Board shall additionally find that the proposed use:

- (1) Will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- (2) Will reasonably conserve shoreland vegetation;
- (3) Will reasonably conserve visual points of access to waters as viewed from public facilities;
- (4) Will reasonably conserve actual points of public access to waters;
- (5) Will reasonably conserve natural beauty;
- (6) Will reasonably avoid problems associated with floodplain development or use;
- (7) Access from shore shall be developed on soils appropriate for such use and constructed so as to reasonably control erosion or sedimentation on both subject and surrounding properties;
- (8) The use shall not unreasonably interfere with beach areas;
- (9) The facility shall be located so as to minimize adverse effect on marine harvesting and commercial fishing;
- (10) The facility shall be located so as not to interfere with commercial or recreational boating and moorings.

E. Additional standards for marijuana cultivation facilities. For special exception permit applications for marijuana cultivation facilities, the Board shall additionally find that:

- (1) Evidence of methods to meet the performance standards in Article XA, Performance Standards Generally, § 290-10A.13, Marijuana cultivation facilities, has been submitted as an addendum to the special exception application;
- (2) The proposed development complies with the space and bulk standards of the district in which the property in question is located.

F. Conditions of approval. The Board may attach conditions to its approval of a special exception permit. These conditions may include, but are not limited to, such requirements as:

- (1) Street improvements;
- (2) Access restrictions;
- (3) Hours of use;
- (4) Buffering and screening;
- (5) Utility improvements;
- (6) Performance guarantees for off-site improvements required as conditions of approval.

G. Reapplication. If the Zoning Board of Appeals shall deny a special exception permit, a second request of a similar nature shall not be brought before the Board within two years from the date of the first request unless, in the opinion of the majority of the Board, substantial new evidence can be brought forward, or unless the

Board finds that an error of law or misunderstanding of facts has been made, or unless amendment to this chapter has changed the status, circumstances, or conditions of the matter which was brought before the Board.

H. Duration of special exception permit.

- (1) Provided all conditions and standards of approval are met, a special exception permit shall be a permanent grant of permission and shall run with the land.
- (2) A use granted by special exception may be expanded in area or function only with the granting of a new special exception by the Zoning Board of Appeals.

I. Scope of permit. Any permit or approval granted hereunder is subject to all elements of the final plans and specifications submitted by the applicant and to all representations, oral or written, made by or on behalf of the applicant in support of the application or with respect to the nature and scope of the use, activity or work proposed, and all such permits or approvals shall include, as an express condition, a written statement to said effect.

J. Special criteria for low-impact uses. A low impact-use, as defined in this chapter, shall:

- (1) Be located within a building that also includes one or more dwelling units;
- (2) Occupy no more than 2,000 square feet of total floor area;
- (3) Not cause an existing building, whether or not actually occupied by a dwelling unit, to be demolished for the purpose of creating a low-impact use;
- (4) Generate no more than a daily average of 20 vehicular trip ends on week days, based on a data contained in the latest edition of "Trip Generation," published by the Institute of Traffic Engineers, or, if the Code Enforcement Officer is unable to classify the proposed activity into one of the uses listed in this reference work, based on the written opinion of a professional traffic engineer;
- (5) Have no more than one curb cut, which shall have a maximum width of 20 feet;
- (6) Require, in addition to the required number of spaces for the dwelling unit(s), no more than five parking spaces, based on the requirements of Article XA, § 290-10.A5, or, if the type of use cannot be classified as one of the uses listed in § 290-7.4, based on the average rates per 1,000 square feet of building area for peak parking spaces occupied as identified in the latest edition of "Parking Generation," published by the Institute of Transportation Engineers;
- (7) Locate any on-site parking to the rear or side of the building, with no such parking between the building and any street or in the lot's required front yard;
- (8) Maintain a vegetated buffer between its on-site parking lot and adjacent properties in compliance with Article XA, § 290-10A.4, Screening and landscaping;
- (9) Not generate hourly sound levels resulting from routine operations in excess of 60 dBA as measured at the property line;
- (10) Not be open for business before 7:00 a.m. or after 8:00 p.m.;
- (11) Comply with the sign regulations of Article XI of this chapter relating to residential districts;
- (12) Neither make nor receive shipments in trucks more than 5 times a week;
- (13) Store materials or display or sell goods only within a fully enclosed building;
- (14) If new construction is involved, achieve a residential appearance, including a roof pitch of at least six in

12 (or 50%) and the use of exterior materials typical of residences in the area.

§ 290-7.5. Variances.

- A. Purpose and applicability. The purpose of a variance is to allow an applicant to exceed a space and bulk standard or a performance standard under the very limited circumstances set forth in this section. A variance is authorized only for the space and bulk standards of the district regulations and for the performance standards of this chapter. A variance shall not be granted to allow a use or an expansion of a use not otherwise permitted in the district.
- B. Application for variance. Application for a variance shall be made to the Code Enforcement Officer on forms provided for that purpose, accompanied by a fee as the Board of Selectmen shall set on an annual basis for such applications. The application shall clearly state the location of the property, the relief sought, and the reason(s) for requesting the variance.
- C. Standards. Prior to voting to grant a variance, the Zoning Board of Appeals shall review the application and find that the following standards have been met:
 - (1) That a literal interpretation of the requirement of this chapter will impose an undue hardship on the property owner. The term "undue hardship" shall mean specifically that:
 - (a) The land in question cannot yield a reasonable return unless a variance is granted;
 - (b) The need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood;
 - (c) The hardship is not the result of action taken by the applicant or a prior owner; and
 - (d) The granting of the variance will not alter the essential character of the locality.
 - (2) Notwithstanding the requirement set forth in Subsection C(1)(a) above, that the applicant show that the land in question cannot yield a reasonable return unless a variance is granted, the Zoning Board of Appeals may grant a variance for setbacks for single-family detached dwellings if it finds that the application meets the standards contained in Subsection C(1)(b) through (d) and, in addition, finds that:
 - (a) The granting of the variance will not substantially reduce or impair the use of abutting property;
 - (b) The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available;
 - (c) The dwelling for which the variance is sought is the primary, year-round residence of the applicant;
 - (d) The variance will not exceed 20% of the required setback; and
 - (e) The variance will not cause the area of the dwelling to exceed the maximum permissible building coverage.
 - (3) The Board may grant a variance without making a finding of undue hardship to a property owner for the purpose of making the property accessible to a person with a disability who is living on the property. Any such variance granted shall be restricted solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. For the purposes of this subsection, a "disability" has the same meaning as a physical or mental handicap under Title 5 M.R.S.A. § 4553, namely, any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness, and includes the physical or mental condition of a person that constitutes a substantial disability as determined by a physician or, in the case of mental disability, by a psychiatrist or psychologist, as well as any other health or sensory impairment that requires special

education, vocational rehabilitation, or related services.

- (4) Any variance granted by the Zoning Board of Appeals shall be the minimum variance from the terms of this chapter that will relieve the hardship pleaded.

D. Variance in shoreland areas. Prior to voting to grant a variance within the mandated shoreland area, the Zoning Board of Appeals shall, in addition, find that the proposed variance:

- (1) Will not result in unsafe or unhealthful conditions;
- (2) Will not result in unreasonable erosion or sedimentation;
- (3) Will not result in water pollution;
- (4) Will not result in unreasonably damaged spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- (5) Will reasonably conserve shoreland vegetation;
- (6) Will reasonably conserve visual points of access to waters as viewed from public facilities;
- (7) Will reasonably conserve actual points of public access to waters;
- (8) Will reasonably conserve natural beauty; and
- (9) Will reasonably avoid problems associated with floodplain development and use.

E. Conditions of approval. The Zoning Board of Appeals is empowered to impose such conditions on its approval of a variance as are necessary, in its judgment, to protect surrounding property owners or the Town from adverse impacts resulting from the variance.

F. Recording of variance. If the Zoning Board of Appeals grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting shall be prepared by the applicant in recordable form. This certificate must be recorded by the applicant at the applicant's expense in the Knox County Registry of Deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided herein.

G. Reapplication. If the Zoning Board of Appeals shall deny a variance, a second request of a similar nature shall not be brought before the Board within two years from the date of the first request unless, in the opinion of the majority of the Board, substantial new evidence can be brought forward, or unless the Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this chapter which changes the status, circumstances, or conditions of the matter which was appealed.

H. Duration of variance. Provided all conditions and standards of approval are met, a variance shall be a permanent grant of permission and shall run with the land.

§ 290-7.6. Requirements for request to exceed home occupation standards.

A request to exceed the standards of a home occupation that concerns the number of employees, traffic generated, and percentage of floor area shall be granted only in the event that the applicant has established to the satisfaction of the Zoning Board of Appeals that:

- A. The home occupation is located wholly within structures existing as of March 12, 1985; and
- B. The standards of Article VII, § 290-7.4C, Standards for special exception permit, have been met.

ARTICLE VIII
District Regulations

§ 290-8.1. Natural Resource Protection District (RP).

- A. Purpose. The purpose of this district is to protect fragile shorelines and other lands of unique geologic and natural features, especially those that include steep slopes, high elevations, unstable soils, wetlands, and floodplains, on which development would adversely affect water quality, disrupt productive habitat and biological ecosystems, or destroy scenic and natural values. **[Amended 11-10-2009]**
- B. Permitted uses. The following uses are permitted in the Natural Resource Protection District:
 - (1) The following resource protection uses:
 - (a) Fire prevention activities.
 - (b) Harvesting of wild crops.
 - (c) Hunting and fishing, in accordance with state and local regulations.
 - (d) Nonintensive recreation not requiring structures.
 - (e) Resource management activities, excluding timber harvesting and land management roads. **[Amended 11-10-2009]**
 - (2) The following utility uses:
 - (a) Essential services, but only to serve a permitted use in the Natural Resource Protection District, except where it is demonstrated that no reasonable alternative exists.
- C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:
 - (1) The following resource production uses:
 - (a) Agriculture.
 - (b) Timber harvesting and land management roads. **[Amended 11-10-2009]**
 - (2) The following utility uses:
 - (a) Public utilities.
 - (b) Road construction.
- D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.
- E. Standards. The standards of performance of Articles X and XA shall be observed.

§ 290-8.2. Rural 1 District (RU-1).

- A. Purpose. The Rural 1 District includes lands with multiple natural resource constraints; and/or that are especially important for their recreational, scenic, or other resource-based opportunities, including farming and woodlands; and/or that are especially important for long-term protection of water quality. The purpose of this district is to allow a level of development and activity consistent with the protection of the natural features of these lands.
- B. Permitted uses. The following uses are permitted in the Rural 1 District:

- (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
- (2) The following resource production uses:
 - (a) Agriculture.
 - (b) Timber harvesting.
- (3) The following residential uses:
 - (a) Single-family dwellings.
 - (b) Open space residential developments that meet the standards of Article IX.⁸
 - (c) Accessory apartment. **[Added 7-14-2020]**
- (4) The following municipal and institutional uses:
 - (a) Family cemeteries, as defined by state law (13 M.R.S.A. § 1142), covering no more than 1/4 of an acre of land, a description of which is recorded with the Town Clerk or with the Knox County Registry of Deeds.
- (5) The following commercial uses:
 - (a) Outdoor storage of boats, provided the screening standards of Article XA, § 290-10A.4E, are met.
 - (b) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.
- (6) The following water-dependent uses:
 - (a) Municipal boat ramps and municipal piers.
- (7) The following utility uses:
 - (a) Essential services.
 - (b) Road construction.
 - (c) A wireless telecommunications facility, located in this district east of Camden Hills State Park, approved by the Code Enforcement Officer or the Planning Board in accordance with Chapter 282, Wireless Telecommunications Facilities, of the Code of the Town of Camden.
- (8) The following accessory activities:
 - (a) Accessory uses.
 - (b) Home occupations.
 - (c) Homestay.

C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:

- (1) The following resource production uses:

8. Editor's Note: Original Sec. 2B(6), Cottages, of the former compilation of ordinances, which immediately followed this subsection, was repealed 6-15-2022.

- (a) Extraction of mineral resources.
- (b) Clear-cutting.
- (2) The following municipal and institutional uses:
 - (a) Municipal uses.
 - (b) Quasi-public facilities, provided no structures are involved.
- (3) The following commercial uses: **[Added 6-12-2019]**
 - (a) Tier 1 and 2 indoor marijuana cultivation facilities on lots of 1.5 acres or more.
 - (b) Tier 1 and 2 outdoor marijuana cultivation facilities on lots of 5 acres or more.
- (4) The following industrial uses:
 - (a) Agricultural products processing plants, except in shoreland areas.
- (5) The following utility uses:
 - (a) Public utilities.

D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards.

- (1) The standards of performance of Articles X and XA shall be observed.
- (2) The following space and bulk standards shall apply:
 - (a) Lots that are part of residential subdivisions approved by the Planning Board after the date of adoption of this chapter shall comply with the terms of Article IX, Open Space Zoning, except that subdivisions for which completed applications have been submitted to the Planning Board prior to the date of adoption of this chapter shall be subject to the regulations in effect at the time of their submission.
 - (b) For all other lots, the following space and bulk standards shall apply: **[Amended 7-14-2020]**

Type of Use	Requirement
Minimum lot area	
Residential	60,000 square feet
Nonresidential	60,000 square feet
Minimum lot area per dwelling unit	60,000 square feet
Accessory apartment	No increase in lot area required
Minimum street frontage	
Residential	150 feet
Nonresidential	150 feet
Minimum setbacks	
Residential and nonresidential	
Front	25 feet

Type of Use	Requirement
Side	15 feet
Back	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential use	25 feet
Maximum building coverage	10%
Maximum ground coverage, shoreland area	20%
Maximum building or structure height	
Residential	30 feet
Nonresidential	40 feet
Minimum distance between principal buildings on same lot	30 feet

- (3) Screening. Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article XA, § 290-10.A4, of this chapter.
- (4) Shoreland area. Properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) High-elevation areas. Notwithstanding the lists of permitted uses and uses permitted as special exceptions in this district and the space and bulk standards of this district, properties located more than 500 feet above mean sea level shall comply with the standards of Article X, § 290-10.3, of this chapter.
- (6) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.3. Rural 2 District (RU-2).

- A. Purpose. The Rural 2 District includes lands that are distant from the village area; and/or to which public water and sewer lines are not expected to be extended within the next 10 years; and/or that have large tracts of land intact, suitable for woodland production, farming, and unbroken wildlife habitat. The purpose of this district is to allow residential development that is compatible with the character and traditional use of rural lands, including extensive areas of field and woodland, and that does not impose an undue burden on the provision of municipal services.
- B. Permitted uses. The following uses are permitted in the Rural 2 District:
 - (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
 - (2) The following resource production uses:
 - (a) Agriculture.
 - (b) Timber harvesting.
 - (3) The following residential uses:
 - (a) Single-family dwellings.

- (b) Two-family dwellings.
 - (c) Open space residential developments that meet the standards of Article IX.⁹
 - (d) Accessory apartment. **[Added 7-14-2020]**
- (4) The following municipal and institutional uses:
- (a) Family cemeteries, as defined by state law (13 M.R.S.A. § 1142), covering no more than 1/4 of an acre of land, a description of which is recorded with the Town Clerk or with the Knox County Registry of Deeds.
- (5) The following commercial uses:
- (a) Outdoor storage of boats, provided the screening standards of Article XA, § 290-10A.4E, are met.
 - (b) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.
- (6) The following utility uses:
- (a) Essential services.
 - (b) Road construction.
 - (c) A wireless telecommunications facility, located in this district east of Camden Hills State Park, approved by the Code Enforcement Officer or the Planning Board in accordance with Chapter 282, Wireless Telecommunications Facilities, of the Code of the Town of Camden.
- (7) The following accessory activities:
- (a) Accessory uses.
 - (b) Home occupations.
 - (c) Homestay.
- C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:
- (1) The following resource production uses:
- (a) Extraction of mineral resources.
 - (b) Clear-cutting.
- (2) The following municipal and institutional uses:
- (a) Cemeteries.
 - (b) Expansion of churches legally in existence as of July 31, 1991, subject to conformity with applicable space and bulk standards and provided the building coverage does not exceed 15,000 square feet. **[Added 6-20-2006]**
 - (c) Municipal uses.
 - (d) Quasi-public facilities, provided no structures are involved.

9. Editor's Note: Original Sec. 3B(6), Cottages, of the former compilation of ordinances, which immediately followed this subsection, was repealed 6-14-2022.

(3) The following commercial uses: **[Amended 6-12-2019]**

- (a) Clinics for animals.
- (b) Tier 1 and 2 indoor marijuana cultivation facilities on lots of 1.5 acres or more.
- (c) Tier 1 and 2 outdoor marijuana cultivation facilities on lots of five acres or more.

(4) The following recreational uses:

- (a) Golf courses and other outdoor recreational facilities, including commercial outdoor recreation and the rental of nonmotorized sports equipment, but excluding games and activities common to amusement parks.

(5) The following industrial uses:

- (a) Agricultural products processing plants, except in shoreland areas.
- (b) Tradesman shop, provided it is less than 2,000 square feet of floor area and exterior storage is screened according to Article XA, § 290-10A.4C. **[Amended 6-17-2009]**

(6) The following utility uses:

- (a) Public utilities.

D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards. **[Amended 7-14-2020]**

Type of Use	Requirement
Minimum lot area	
Residential	60,000 square feet
Nonresidential	60,000 square feet
Minimum lot area per dwelling unit	60,000 square feet
Accessory apartment	No increase in lot area required
Minimum street frontage	
Residential	150 feet
Nonresidential	150 feet
Minimum setbacks	
Residential and nonresidential	
Front	25 feet
Side	15 feet
Back	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)
Side and back yards for nonresidential use abutting a residential use	25 feet
Maximum building coverage	10%
Maximum ground coverage, shoreland area	20%
Maximum building or structure height	

Type of Use	Requirement
Residential	30 feet
Nonresidential	40 feet
Minimum distance between principal buildings on same lot	30 feet

- (1) The standards of performance of Articles X and XA shall be observed.
- (2) The following space and bulk standards shall apply:
 - (a) Lots that are part of residential subdivisions approved by the Planning Board after the date of adoption of this chapter shall comply with the terms of Article IX, Open Space Zoning; except that subdivisions for which completed applications have been submitted to the Planning Board prior to the date of adoption of this chapter shall be subject to the regulations in effect at the time of their submission.
 - (b) For all other lots, the preceding space and bulk standards shall apply.
- (3) Screening. Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article XA, § 290-10A.4, of this chapter.
- (4) Shoreland area. Properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) High-elevation areas. Notwithstanding the lists of permitted uses and uses permitted as special exceptions in this district and the space and bulk standards of this district, properties located more than 500 feet above mean sea level shall comply with the standards of Article X, § 290-10.3, of this chapter.
- (6) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.4. Rural Recreation District (RR).

- A. Purpose. The Rural Recreation District includes lands that are both fragile and provide unique opportunity for public, outdoor recreation. The purpose of the district is to provide for a controlled mix of activity typical of, and necessary to the successful operation of, a multiple-season recreational area open to the public.
- B. Permitted uses. The following uses are permitted in the Rural Recreation District:
 - (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
 - (2) The following resource production uses:
 - (a) Timber harvesting.
 - (3) The following municipal and institutional uses:
 - (a) Municipal uses.
 - (4) The following commercial uses:
 - (a) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.

(5) The following utility uses:

(a) Essential services.

C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:

(1) The following municipal and institutional uses:

(a) Community buildings.

(b) Quasi-public facilities.

(c) Nursery schools and day-care centers.

(2) The following commercial uses:

(a) Campgrounds.

(b) Commercial schools.

(c) Restaurants.

(d) Retail sales.

(e) Theaters.

(f) Parking facilities.

(3) The following recreational uses:

(a) Golf courses, ski area and lifts, toboggan chutes and other outdoor recreational facilities, including commercial outdoor recreation and the rental of nonmotorized sports equipment, but excluding games and activities common to amusement parks.

(4) The following utility uses:

(a) Public utilities.

(b) Road construction.

D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards.

(1) The standards of performance of Articles X and XA shall be observed.

(2) The following space and bulk standards shall apply:

Type of Use	Requirement
Minimum lot area	
Residential	Not permitted
Nonresidential	60,000 square feet
Minimum lot area per dwelling unit	Not applicable
Minimum street frontage	
Nonresidential	150 feet

Type of Use	Requirement
Minimum setbacks	
Nonresidential	
Front	25 feet
Side	15 feet
Back	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential use	25 feet
Maximum building coverage	10%
Maximum ground coverage, shoreland area	20%
Maximum building or structure height	40 feet
Minimum distance between principal buildings on same lot	30 feet

- (3) Screening. Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in XA, § 290-10A.4, of this chapter.
- (4) Shoreland area. Properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) High-elevation areas. Notwithstanding the lists of permitted uses and uses permitted as special exceptions in this district and the space and bulk standards of this district, properties located more than 500 feet above mean sea level shall comply with the standards of Article X, § 290-10.3, of this chapter.
- (6) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.5. Coastal Residential District (CR).

- A. Purpose. The Coastal Residential District includes lands along scenic coastal corridors north and south of the village area. The purpose of the district is to allow for a moderate level of residential and other development while assuring that these corridors retain their scenic landscapes and vistas and continue to serve as attractive gateways to Camden. The intention is that development be designed to fit into the existing character that includes rolling terrain and interspersed woods, fields, structures, and views of the water.
- B. Permitted uses. The following uses are permitted in the Coastal Residential District:
 - (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
 - (2) The following resource production uses:
 - (a) Agriculture.
 - (b) Timber harvesting.
 - (3) The following residential uses:
 - (a) Single-family dwellings.

- (b) Two-family dwellings.
 - (c) Open space residential developments that meet the standards of Article IX.¹⁰
 - (d) Accessory apartment. **[Added 7-14-2020]**
- (4) The following municipal and institutional uses:
- (a) Family cemeteries, as defined by state law (13 M.R.S.A. § 1142), covering no more than 1/4 of an acre of land, a description of which is recorded with the Town Clerk or with the Knox County Registry of Deeds.
- (5) The following commercial uses:
- (a) Outdoor storage of boats, provided the screening standards of Article XA, § 290-10A.4E, are met; tradesmans' shops; and indoor storage, maintenance, and construction of boats in existing commercial buildings on lots of five or more acres in size, provided that the storage facility was in existence on January 1, 2003, and is located at least 125 feet from any residential lot boundary or a public way. **[Amended 11-11-2003; 11-8-2016; 6-8-2021]**
 - (b) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.
 - (c) Private residential treatment facility, provided that: **[Added 6-13-2018]**
 - [1] The facility shall have a maximum of 12 single-occupancy bedrooms which must be in buildings in existence as of January 1, 2018.
 - [2] The facility must be on a single parcel of land of at least 10 acres in size and containing a house with at least five bedrooms all in existence before November 3, 1992, the date of the enactment of this chapter.
- (6) The following marine uses:
- (a) Municipal boat ramps and municipal piers.
- (7) The following utility uses:
- (a) Essential services.
 - (b) Road construction.
- (8) The following accessory activities:
- (a) Accessory uses.
 - (b) Home occupations.
 - (c) Homestay. **[Amended 11-11-2003; 11-18-2016; 6-12-2019]**
- (9) The following marine uses:
- (a) Municipal boat ramps and municipal piers.
- (10) The following utility uses:
- (a) Essential services.

10. Editor's Note: Original Sec. 5B(7), Cottages, of the former compilation of ordinances, which immediately followed this subsection, was repealed 6-14-2022.

- (b) Road construction.

(11) The following accessory activities:

- (a) Accessory uses.
- (b) Home occupations.
- (c) Homestay.

C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:

(1) The following municipal and institutional uses:

- (a) Cemeteries.
- (b) Municipal uses.
- (c) Quasi-public facilities, provided no structures are involved.
- (d) Nursery schools and day-care centers.

(2) The following recreational uses:

- (a) Golf courses.

(3) The following utility uses:

- (a) Public utilities.

(4) The following commercial uses:

- (a) Expansion of hotels or motels with 10 or more rooms offered for rent legally in existence as of March 11, 1985, within a lot of record existing as of March 11, 1985, subject to conformity with applicable space and bulk standards.
- (b) Tier 1 and 2 indoor marijuana cultivation facilities on lots of 1.5 acres or more. **[Added 6-12-2019]**
- (c) Tier 1 and 2 outdoor marijuana cultivation facilities on lots of five acres or more. **[Added 6-12-2019]**
- (d) Expansions of less than 10,000 square feet of new floor area attached to existing commercial buildings used for indoor storage, maintenance and construction of boats, and/or by tradesmen, provided that the building: **[Added 6-8-2021]**

[1] Was in existence on January 1, 2003;

[2] Is on a lot of five or more acres in size; and

[3] Is located at least 125 feet from any residential lot boundary or public way.

(5) The following industrial uses:

- (a) Expansion of facilities used for the storage and maintenance of construction equipment and which were legally in existence as of March 11, 1985, within lots of record existing as of March 11, 1985, subject to conformity with applicable space and bulk standards.

D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards.

(1) The standards of performance of Articles X and XA shall be observed.

(2) The following space and bulk standards shall apply:

(a) Lots that are part of residential subdivisions approved by the Planning Board after the date of adoption of this chapter shall comply with the terms of Article IX, Open Space Zoning; except that subdivisions for which completed applications have been submitted to the Planning Board prior to the date of adoption of this chapter shall be subject to the regulations in effect at the time of their submission.

(b) For all other lots, the following space and bulk standards shall apply: **[Amended 7-14-2020]**

Type of Use	Sewer	No Sewer
Minimum lot area		
Residential	30,000 square feet	40,000 square feet
Nonresidential	30,000 square feet	40,000 square feet
Minimum lot area per dwelling unit	30,000 square feet	40,000 square feet
Accessory apartment	No increase in lot area required	No increase in lot area required
Minimum street frontage		
Residential	100 feet	150 feet
Nonresidential	100 feet	150 feet
Minimum setbacks		
Residential and nonresidential		
Front	25 feet	25 feet
Side	15 feet	25 feet
Back	15 feet	25 feet
Normal high-water mark	See Article X, § 290-10.2M(10)	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
Private residential treatment facility		
Front	100 feet	100 feet
Side	50 feet	50 feet
Back	25 feet	25 feet
Maximum building coverage	20%	20%
Maximum ground coverage, shoreland area	20%	20%
Maximum building or structure height		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet

Type of Use	Sewer	No Sewer
Minimum distance between principal buildings on same lot	30 feet	30 feet

- (3) Screening. Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article XA, § 290-10A.4, of this chapter.
- (4) Shoreland area. Properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.6. Village Extension District (VE).

- A. Purpose. The Village Extension District lies outside of the traditional village but includes lands that have, or can reasonably be expected to receive within the next 10 years, public water and sewer; can be readily provided with other municipal services; and can support a significant share of the new development anticipated in the Town during the next 10 years to 15 years. The purpose of the district is to provide a range of housing opportunities and of compatible, small-scale economic opportunities. The intent is to do so within a setting that emulates the character of villages: with streets designed for safe and convenient use by both pedestrians and motor vehicles and at a scale appropriate for walkable neighborhoods; a mix of activities that serve some of the routine needs of neighborhood residents; and a sense of security and protected investments.
- B. Permitted uses. The following uses are permitted in the Village Extension District:
 - (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
 - (2) The following resource production uses:
 - (a) Agriculture.
 - (b) Timber harvesting.
 - (3) The following residential uses:
 - (a) Single-family dwellings.
 - (b) Two-family dwellings.
 - (c) Open space residential developments that meet the standards of Article IX.¹¹
 - (d) Mobile home parks.
 - (e) Accessory apartments.
 - (f) Multifamily dwellings. **[Added 6-14-2022]**
 - (4) The following municipal and institutional uses:
 - (a) Cemeteries.

11. Editor's Note: Original Sec. 6B(7), Cottages, of the former compilation of ordinances, which immediately followed this subsection, was repealed 6-14-2022.

- (b) Churches.
- (5) The following commercial uses:
 - (a) Outdoor storage of boats, provided the screening standards of Article XA, § 290-10A.4E, are met.
 - (b) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.
- (6) The following water-dependent uses:
 - (a) Municipal boat ramps and municipal piers.
- (7) The following utility uses:
 - (a) Essential services.
 - (b) Road construction.
- (8) The following accessory activities:
 - (a) Accessory uses.
 - (b) Home occupations.
 - (c) Homestay.
- C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:
 - (1) The following municipal and institutional uses:
 - (a) Community buildings.
 - (b) Quasi-public facilities.
 - (c) Municipal uses.
 - (d) Nursery schools and day-care centers.
 - (e) Private schools.
 - (f) Public schools.
 - (2) The following utility uses:
 - (a) Public utilities.
 - (3) The following commercial uses: **[Amended 11-11-2003; 11-18-2016; 6-12-2019; 7-14-2020]**
 - (a) Inns located on lots of two or more acres¹.
 - (b) Low-impact uses, as defined in this chapter and not otherwise allowed in this district, on lots that are located wholly or in part within 500 feet of a business or industrial district (B-1, B-2, B-3, B-H, B-R or I), and that meet the terms of Article VII, § 290-7.4I.
 - (c) Parking facilities, provided there is no demolition of buildings existing as of the date of adoption of this chapter.
 - (d) Tier 1 and 2 indoor marijuana cultivation facilities on lots of 1.5 acres or more.

- (e) Tier 1 and 2 outdoor marijuana cultivation facilities on lots of five acres or more.

A ¹ following a listed use means the use must be located wholly within structures existing as of the date of adoption of this chapter.

- (4) The following residential uses:

- (a) Community living uses.
- (b) Congregate housing served by public sewer.
- (c) Nursing and convalescent homes.

D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards.

- (1) The standards of performance of Articles X and XA shall be observed.
- (2) The following space and bulk standards shall apply: **[Amended 11-15-2005; 6-14-2022]**

Type of Use	Sewer	No Sewer
Minimum lot area		
Residential	10,000 square feet	20,000 square feet
Nonresidential	10,000 square feet	40,000 square feet
Minimum lot area per dwelling unit		
Single-family	10,000 square feet	20,000 square feet
Accessory apartments	No increase in lot area required (see definition)	20,000 square feet
Two-family dwellings	No increase in lot area required	20,000 square feet
Multifamily dwellings (as part of open space subdivisions)	5,000 square feet	Not permitted
Congregate housing	3,000 square feet	Not permitted
Minimum street frontage		
Residential		
Lots created as part of subdivisions approved by the Planning Board after the date of adoption of this chapter	50 feet, and the average for all lots in the subdivision is between 75 feet and 90 feet	100 feet
Other lots	75 feet	100 feet
Nonresidential	75 feet	100 feet
Minimum setbacks		
Residential		

Type of Use	Sewer	No Sewer
Front	15 feet, except where the following lots with existing buildings have established a uniform setback relationship (see definitions) to the street, any new building shall be set back from the edge of the right-of-way of the street no more than a maximum distance which is 5 feet greater than the average setback for those 2 adjacent lots on each side of the subject lot, and no less than a minimum distance which is 5 feet less than the average setback for those 2 adjacent lots on each side of the subject lot; provided, however, that such a building on the subject lot shall be no closer to the right-of-way of the street than the building closest to the edge of that right-of-way on those 4 adjacent lots. Where a uniform setback relationship exists, accessory structures or additions to existing structures shall be set no less than 2 feet further back than the actual setback of the principal building unless that actual setback is greater than the maximum setback.	25 feet
Side	10 feet, provided the sum of both side yards is at least 30 feet, however, any structure that has a side setback of less than 10 feet shall have a setback requirement of 15 feet on each side	15 feet
Back	15 feet	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)	See Article X, § 290-10.2M(10)
Nonresidential		
Front	Same as residential	Same as residential
Side	15 feet	15 feet
Back	15 feet	15 feet
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
Maximum building coverage	25%	25%
Maximum ground coverage		

Type of Use	Sewer	No Sewer
General	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking
Shoreland area	20%	20%
Maximum building or structure height		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
Minimum distance between principal buildings on same lot	30 feet	30 feet
Maximum building coverage	25%	10%
Maximum ground coverage		
General	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking
Shoreland area	20%	20%
Maximum building or structure height		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
Minimum distance between principal buildings on same lot	30 feet	30 feet

* Subject to E(4) below¹²

- (3) Screening. Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article XA, § 290-10A.4, of this chapter.
- (4) Shoreland area. Properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) Historic area. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.7. Traditional Village District (V).

- A. Purpose. The Traditional Village District encompasses the older residential neighborhoods near the center of the community, where historically a majority of the Town's population lived within walking distance of the central business district and governmental and cultural facilities. The purpose of this district is to maintain

12. Editor's Note: So in original.

these highly livable neighborhoods, which include single-family homes, small-scale multifamily structures, compatible residential-scale businesses, and a distinct village design.

B. Permitted uses. The following uses are permitted in the Traditional Village District:

- (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
- (2) The following resource production uses:
 - (a) Timber harvesting.
- (3) The following residential uses:
 - (a) Single-family dwellings.
 - (b) Two-family dwellings.
 - (c) Multifamily dwellings.
 - (d) Open space residential developments that meet the standards of Article IX.
 - (e) Accessory apartments.
- (4) The following municipal and institutional uses:
 - (a) Cemeteries.
 - (b) Churches.
- (5) The following commercial uses:
 - (a) Outdoor storage of boats, provided the screening standards of Article XA, § 290-10A.4E, are met.
 - (b) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.
 - (c) Hotels or motels with more than 10 but fewer than 15 sleeping rooms on lots of 3.5 or more acres, provided that the sleeping rooms are in existence and used as such and are located wholly within one structure existing as of June 8, 1993, and further provided that any restaurant facilities located therein shall prepare food and serve meals only to overnight guests of that hotel or motel.
- (6) The following water-dependent uses:
 - (a) Municipal boat ramps and municipal piers.
- (7) The following utility uses:
 - (a) Essential services.
 - (b) Road construction.
- (8) The following accessory activities:
 - (a) Accessory uses.
 - (b) Home occupations.
 - (c) Homestay.

C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:

(1) The following residential uses:

- (a) Community living uses.
- (b) Congregate housing.
- (c) Nursing and convalescent homes.
- (d) Rooming houses.
- (e) Existing residential dwellings that do not meet stated requirements for minimum lot area per dwelling unit may be allowed to add additional dwelling units, provided:
 - [1] The structure and the lot on which it is located were in lawful existence prior to November 4, 1992;
 - [2] The structure contains a minimum 5,000 square feet of net floor area;
 - [3] The lot shall contain at least 4,000 square feet of lot area per dwelling unit;
 - [4] The existing structure may not be expanded or enlarged in any way, including height, nor may its existing footprint be changed to accommodate the additional unit(s); and
 - [5] This special exception shall not apply to structures located in the shoreland zone.

(2) The following municipal and institutional uses:

- (a) Community buildings.
- (b) Municipal uses.
- (c) Nursery schools and day-care centers.
- (d) Public schools.
- (e) Quasi-public facilities.

(3) The following commercial uses:

- (a) Low-impact uses, as defined in this chapter and not otherwise allowed in this district, on lots that are located wholly or in part within 500 feet of a business or industrial district (B-1, B-2, B-3, B-H, B-TH, B-R or I), and that meet the terms of Article VII, § 290-7.4I. **[Amended 11-14-2006; 7-14-2020]**
- (b) Expansion of hotels or motels with 10 or more rooms offered for rent, legally in existence as of March 11, 1985, within a lot of record existing as of March 11, 1985, subject to conformity with applicable space and bulk standards.
- (c) Inns on lots of two or more acres.¹
- (d) Funeral homes.
- (e) Uses permitted in Article VIII, § 290-8.11, Neighborhood Service District (B-4), Subsections B and C(2)(b) and (3)(a) if the use is located in a building that was a publicly owned public school as of 2018. **[Added 11-6-2018]**

- (f) Restaurant food service to the general public in existing hotels as long as there is no increase in the number of seats licensed as of January 1, 2019. **[Added 6-12-2018]**

A ¹ following a listed use means the use must be located wholly within structures existing as of the date of adoption of this chapter.

- (4) The following utility uses:

- (a) Public utilities.

D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards.

- (1) The standards of performance of Articles X and XA shall be observed.

- (2) The following space and bulk standards shall apply: **[Amended 11-15-2005; 6-14-2022]**

Type of Use	Requirement
Minimum lot area	
Residential	10,000 square feet
Nonresidential	10,000 square feet
Minimum lot area per dwelling unit	
Single-family	10,000 square feet
Accessory apartments	No increase in lot area required (see definition)
Two-family dwellings	No increase in lot area required
Multifamily dwellings	5,000 square feet
Congregate housing	3,000 square feet
Minimum street frontage	
Residential	75 feet
Nonresidential	75 feet
Minimum setbacks	
Residential	

Type of Use	Requirement
Front	15 feet, except where the following lots with existing buildings have established a uniform setback relationship (see definitions) to the street, any new building shall be set back from the edge of the right-of-way of the street no more than a maximum distance which is 5 feet greater than the average setback for those 2 adjacent lots on each side of the subject lot and no less than a minimum distance which is 5 feet less than the average setback for those 2 adjacent lots on each side of the subject lot; provided, however, that such a building on the subject lot shall be no closer to the right-of-way of the street than the building closest to the edge of that right-of-way on those 4 adjacent lots. Where a uniform setback relationship exists, accessory structures or additions to existing structures shall be set no less than 2 feet further back than the actual setback of the principal building unless that actual setback is greater than the maximum setback.
Side	10 feet, provided the sum of both side yards is at least 25 feet; however, any structure that has an existing nonconforming side setback shall have a setback requirement of 15 feet on each side
Back	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)
Nonresidential	
Front	Same as residential
Side	15 feet
Back	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential use	25 feet
Maximum building coverage	25%
Maximum ground coverage	
General	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking
Shoreland area	20%
Maximum building or structure height	
Residential	30 feet
Nonresidential	30 feet
Lots on which public schools existed as of 2017	38 feet
Minimum distance between principal buildings on same lot	30 feet

* Subject to E(4) below¹³

- (3) Screening. Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article X, § 290-10A.4, of this chapter.
- (4) Shoreland area. Properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.8. Downtown Business District (B-1).

- A. Purpose. The purpose of the Downtown Business District is to provide for a compact, pedestrian-oriented, year-round business center with a focus on small-scale specialty and comparison shopping and services compatible with the existing scale and character of downtown Camden.
- B. Permitted uses. The following uses are permitted in the Downtown Business District:
 - (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
 - (2) The following residential uses:
 - (a) Single-family dwellings, except no residential use and no use accessory to a residential use (including but not limited to parking and storage), except a home occupation, shall occur on a floor at street level.†*
 - (b) Two-family dwellings, except no residential use and no use accessory to a residential use (including but not limited to parking and storage), except a home occupation, shall occur on a floor at street level.†*
 - (c) Multifamily dwellings, except no residential use and no use accessory to a residential use (including but not limited to parking, storage or other facilities operated principally for the benefit of residents of the dwellings) shall occur on a floor at street level.*
 - (d) Congregate housing, except no elements of a congregate housing facility as defined shall occur on a floor at street level.*
 - † The restriction on residential use on a floor at street level shall not apply to structures in the Chestnut Street Historic District.
 - * Access to the use may be permitted from street level so long as the width of overall area of such access does not exceed the minimum state or federal access requirements.
 - (3) The following municipal and institutional uses:
 - (a) Churches.
 - (b) Community buildings.
 - (c) Municipal uses.
 - (d) Nursery schools and day-care centers.

- (e) Private schools.
 - (f) Public schools.
 - (g) Quasi-public facilities.
- (4) The following commercial uses:
- (a) Boat and marine sales and service, provided there is no exterior storage or display.
 - (b) Commercial schools.
 - (c) Financial services, provided there shall be no drive-through windows.
 - (d) Funeral homes.
 - (e) Hair salons.
 - (f) Hotels and motels.
 - (g) Inns.
 - (h) Personal services.
 - (i) Publishing of newspapers, magazines, and books, excluding printing plants.
 - (j) Retail sales and rental of goods and equipment, excluding gas stations, exterior display and storage of motor vehicles and similar outdoor sales establishments that tend to detract from or interfere with a high intensity of pedestrian activity.
 - (k) Restaurants.
 - (l) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.
 - (m) Theaters and entertainment, excluding games and activities common to amusement parks.
 - (n) Low-impact uses, as defined in this chapter and not otherwise allowed in this district and that meet the terms of Article VII, § 290-7.4I.
 - (o) Technical services.
 - (p) Function hall. **[Added 6-17-2009]**
 - (q) Parking facilities.
- (5) The following professional services:
- (a) Professional offices.
 - (b) Health service facilities, excluding hospitals and other overnight facilities.
- (6) The following water-dependent uses:
- (a) Municipal boat ramps and municipal piers.
- (7) The following industrial uses:
- (a) Tradesmen's shops that include the retailing of items produced on the premises.
- (8) The following utility uses:

(a) Essential services.

(b) Public utilities.

(c) Road construction.

(9) The following accessory activities:

(a) Accessory uses, except where otherwise prohibited at street level.

(b) Home occupations.

(c) Homestay.

C. Uses permitted as special exceptions.

(1) Commercial parking garages. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:

(a) None.

D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards.

(1) The standards of performance of Articles X and XA shall be observed.

(2) The following space and bulk standards shall apply: **[Amended 6-17-2008]**

Type of Use	Requirement
Minimum lot area	
Residential	None
Nonresidential	None
Minimum lot area per dwelling unit	
Single-family	None
Two-family dwellings	None
Multifamily dwellings	None
Congregate housing	None
Minimum street frontage	None
Minimum setbacks	
Front, side, and back	None
Normal high-water mark	None
Side and back yard for nonresidential use abutting a residential use	15 feet
Parking lot, parking space, or parking area in shoreland areas	25 feet from the normal high-water mark of a water body or from the upland edge of a wetland
Maximum building coverage	None
Maximum ground coverage	
General	None

Type of Use	Requirement
Shoreland area	None
Maximum building or structure height	
General	50 feet
East side of Main and Bay View Streets	24 feet
Minimum distance between principal buildings on same lot	None

- (3) Shoreland area. Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (4) Additional space and bulk standards on the east side of Main and Bay View Streets: **[Added 6-17-2008]**
 - (a) A minimum of 20% of the lot area shall be kept free of buildings and structures as a single, straight view corridor of constant width from street to harbor line. In calculating lot area, the property landward of the officially established harbor line shall be included, minus any area within existing, recorded easements upon which building is prohibited. Any fence in the view corridor shall be of open construction. Temporary structures shall not interfere with this view corridor.
 - (b) No part of a building may project over the right-of-way at any point.
- (5) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.9. Highway Business District (B-2).

- A. Purpose. The purpose of the Highway Business District is to provide an area suitable for highway-oriented businesses at a moderate density.
- B. Permitted uses. The following uses are permitted in the Highway Business District:
 - (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
 - (2) The following residential uses: **[Amended 6-17-2008]**
 - (a) Single-family dwellings.
 - (b) Two-family dwellings.
 - (c) Multifamily dwellings served by public sewer.
 - (d) Community living uses.
 - (e) Congregate housing served by public sewer.
 - (f) Nursing and convalescent homes.
 - (g) Accessory apartments.
 - (3) The following municipal and institutional uses: **[Amended 6-17-2008]**
 - (a) Churches.
 - (b) Community buildings.

- (c) Hospitals.
 - (d) Municipal uses.
 - (e) Nursery schools and day-care centers.
 - (f) Private schools.
 - (g) Public schools.
 - (h) Quasi-public facilities.
- (4) The following commercial uses: **[Amended 6-17-2008]**
- (a) Auction barns.
 - (b) Auto repair garages.
 - (c) Boat and marine sales and service.
 - (d) Clinics for animals.
 - (e) Commercial schools.
 - (f) Financial services.
 - (g) Gas stations on lots abutting Route 1.
 - (h) Hair salons.
 - (i) Hotels and motels.
 - (j) Inns.
 - (k) Leasing, rental, and storage facilities.
 - (l) Motor home sales, provided there is no exterior storage or display.
 - (m) (Reserved)
 - (n) Motor vehicle sales, provided there is no exterior storage or display.
 - (o) (Reserved)
 - (p) Outdoor boat storage.
 - (q) Personal services.
 - (r) Publishing of newspapers, magazines, and books.
 - (s) Retail sales.
 - (t) Restaurants.
 - (u) Theaters and entertainment, excluding games and activities common to amusement parks.
 - (v) Low-impact uses, as defined in this chapter and not otherwise allowed in this district and that meet the terms of Article VII, § 290-7.4I.
 - (w) Technical services.

- (x) Function hall. **[Added 6-17-2009]**
 - (y) Parking facilities.
 - (z) Formula-based food service establishments.
- (5) The following professional services:
 - (a) Professional offices.
 - (b) Health service facilities.
- (6) The following recreational uses:
 - (a) Golf courses and other commercial outdoor recreational facilities, excluding games and activities common to amusement parks.
- (7) The following industrial uses:
 - (a) Manufacturing.
 - (b) Printing plants.
 - (c) Research and development.
 - (d) Tradesmen's shops.
- (8) The following utility uses:
 - (a) Essential services.
 - (b) Public utilities.
 - (c) Road construction.
- (9) The following accessory activities:
 - (a) Accessory uses.
 - (b) Home occupations.
 - (c) Homestay.
- C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:
 - (1) The following commercial uses.
 - (a) Tier 1 and 2 indoor marijuana cultivation facilities. **[Added 6-12-2019]**
- D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.
- E. Standards.
 - (1) The standards of performance of Articles X and XA shall be observed.
 - (2) The following space and bulk standards shall apply:

Type of Use	Sewer	No sewer
Minimum lot area		
Residential	10,000 square feet	40,000 square feet
Nonresidential	20,000 square feet	20,000 square feet
Minimum lot area per dwelling unit		
Single-family	10,000 square feet	40,000 square feet
Accessory apartments	No increase in lot area required	No increase in lot area required
Two-family dwellings	7,500 square feet	40,000 square feet
Multifamily dwellings	7,500 square feet	Not permitted
Congregate housing	3,000 square feet	Not permitted
Minimum street frontage		
Residential	75 feet	100 feet
Nonresidential	100 feet	100 feet
Minimum setbacks		
Residential		
Front	25 feet	25 feet
Side	15 feet	15 feet
Back	15 feet	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)	See Article X, § 290-10.2M(10)
Minimum setbacks		
Nonresidential		
Front	20 feet	20 feet
Side	20 feet	20 feet
Back	20 feet	20 feet
Normal high-water mark	See Article X, § 290-10.2M(10)	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential district	50 feet	50 feet
Maximum building coverage		
Residential	25%	20%
Nonresidential	30%	30%
Maximum ground coverage, shoreland area		
General	None	None
Shoreland area	20%	20%
Maximum building or structure height		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet

- (3) Screening. Multifamily, congregate housing, and nonresidential uses abutting a residential district shall provide screening in accordance with the standards in Article XA, § 290-10A.4, of this chapter.
- (4) Shoreland area. Properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.10. Transitional Business District (B-3).

- A. Purpose. The Transitional Business District is meant to accommodate limited business uses in areas that are located along main traffic arteries but are residential in character. The explicit purpose of this district includes the prevention of strip highway development and the preservation of the character and appearance of established residential neighborhoods.
- B. Permitted uses. The following uses are permitted in the Transitional Business District; however, if the listed use is followed by a superscript 1 and circumstances stated in Article VIII, § 290-8.10C, apply, a special exception is required:
 - (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
 - (2) The following residential uses:
 - (a) Single-family dwellings.
 - (b) Two-family dwellings.
 - (c) Multifamily dwellings served by public sewer.
 - (d) Open space residential developments that meet the standards of Article IX.
 - (e) Community living uses.
 - (f) Congregate housing served by public sewer.
 - (g) Nursing and convalescent homes.
 - (h) Rooming houses.
 - (i) Accessory apartments.
 - (3) The following municipal and institutional uses:
 - (a) Churches.
 - (b) Community buildings.¹
 - (c) Hospitals.
 - (d) Municipal uses.¹
 - (e) Nursery schools and day-care centers.¹
 - (f) Private schools.¹

- (g) Public schools.¹
- (h) Quasi-public facilities.¹
- (4) The following commercial uses:
 - (a) Auto repair garages.¹
 - (b) Commercial schools.¹
 - (c) Financial services, excluding drive-through windows.¹
 - (d) Funeral homes.¹
 - (e) Hair salons.¹
 - (f) Hotels and motels.¹
 - (g) Inns.¹
 - (h) Publishing of newspapers, magazines, and books, excluding printing plants¹
 - (i) Restaurants.¹
 - (j) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.
 - (k) Low-impact uses, as defined in this chapter and not otherwise allowed in this district and that meet the terms of Article VII, § 290-7.4I.¹
 - (l) Any expansion of a retail business in existence as of June 9, 1992, within the boundaries of the lot in which such business is located as of June 9, 1992.
 - (m) Function hall. **[Added 6-17-2009]**
 - (n) Parking facilities, provided there is no demolition of buildings existing as of December 1, 1992.
- (5) The following professional services:
 - (a) Professional offices.¹
 - (b) Technical services, provided that retail sales are devoted to less than 10% of the floor area of the business.¹ **[Added 11-11-2008]**
 - (c) Health service facilities.¹
- (6) The following industrial uses:
 - (a) Research and development.¹
 - (b) Tradesmen's shops.¹
- (7) The following utility uses:
 - (a) Essential services.

- (b) Public utilities.
- (c) Road construction.
- (8) The following accessory activities:
 - (a) Accessory uses.
 - (b) Home occupations.
 - (c) Homestay.
- (9) The following additional commercial uses are permitted only on lots which were in existence and had no structures as of June 8, 1993, and were also in the B-3 District prior to June 8, 1993:
 - (a) Retail sales, if either of the following criteria in Subsection B(9)(a)[1] or [2] is met:
 - [1] The cumulative floor space devoted to retail sales on the lot is limited to 50% of the total floor space of the structures on the lot; or
 - [2] The maximum building coverage on the lot is 20% or less.
 - (b) Rental of goods and equipment, provided there is no outdoor storage or display of such goods or equipment. Floor space devoted to rentals shall not be considered as being devoted to retail sales on the lot as set forth in Article VIII, § 290-8.10B(8)(a), above, in determining the cumulative floor space devoted to retail sales on the lot.
 - (c) Personal services.

A¹ following a listed use in the B-3 District means the use must be located wholly within structures existing as of November 4, 1992, or wholly within structures constructed or to be constructed upon lots which were in existence and had no structures as of June 8, 1993, or permitted as a special exception under the circumstances set forth in Subsection C.

- C. Uses permitted as special exceptions. The permitted uses listed for the Transitional Business District (B-3) which are designated by a superscript 1 following the listed use shall be allowed upon approval as special exceptions in accordance with the appropriate provisions of this chapter in the circumstances set forth below: **[Amended 11-15-2005]**
 - (1) The expansion, substantial alteration, or replacement for such a permitted use of an existing principal structure, provided that the Zoning Board of Appeals finds, as part of its review, that such expansion, alteration, or replacement of the structure will retain the appearance of and reflect the existing residential character of the district.
 - (2) The construction, on a lot that had a structure as of June 8, 1993, including subsequent divisions of said lot, for a permitted use in this district.
- D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.
- E. Standards.
 - (1) The general standards of performance of Articles X and XA shall be observed.
 - (2) The following space and bulk standards shall apply: **[Amended 6-15-2010]**

Type of Use	Sewer	No Sewer
Minimum lot area		
Residential	10,000 square feet	40,000 square feet
Nonresidential	20,000 square feet	20,000 square feet
Minimum lot area per dwelling unit		
Single-family	10,000 square feet	40,000 square feet
Accessory apartments	No increase in lot area required	No increase in lot area required
Two-family dwellings	7,500 square feet	40,000 square feet
Multifamily dwellings	7,500 square feet	Not permitted
Congregate housing	3,000 square feet	Not permitted
Minimum street frontage		
Residential	75 feet	100 feet
Nonresidential	100 feet	100 feet
Minimum setbacks		
Residential		
Front	15 feet, except where the following lots with existing buildings have established a uniform setback relationship (see definitions) to the street, any new building shall be set back from the edge of the right-of-way of the street no more than a maximum distance which is 5 feet greater than the average setback for those 2 adjacent lots on each side of the subject lot, and no less than a minimum distance which is 5 feet less than the average setback for those 2 adjacent lots on each side of the subject lot; provided, however, that such a building on the subject lot shall be no closer to the right-of-way of the street than the building closest to the edge of that right-of-way on those 4 adjacent lots. Where a uniform setback relationship exists, accessory structures or additions to existing structures shall be set no less than 2 feet further back than the actual setback of the principal building unless that actual setback is greater than the maximum setback.	25 feet

Type of Use	Sewer	No Sewer
Side	10 feet provided the sum of both side yards is at least 25 feet; however, any structure that has an existing nonconforming side setback shall have a setback requirement of 15 feet on each side.	15 feet
Back	15 feet	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)	See Article X, § 290-10.2M(10)
Nonresidential		
Front	Same as residential	Same as residential
Side	15 feet	15 feet
Back	15 feet	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
Maximum building coverage		
Residential	25%	20%
Nonresidential	30%	30%
Maximum building coverage		
Residential	25%	25%
Nonresidential	30%	30%
Maximum ground coverage		
Residential	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.
Nonresidential	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.
Shoreland Area	20%	20%
Maximum building or structure height		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet

Type of Use	Sewer	No Sewer
Minimum distance between principal buildings on same lot	30 feet	30 feet

- (3) Screening: Multifamily, congregate housing, and nonresidential uses abutting a residential use or district shall provide screening in accordance with the standards in Article XA, § 290-10A.4, of this chapter.
- (4) Shoreland area. Properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.11. Neighborhood Service District (B-4).

- A. Purpose. The Neighborhood Service District is meant to accommodate limited business uses in areas that are residential in character. The explicit purpose of this district is to preserve the character and appearance of established residential neighborhoods and to help foster the development of new neighborhoods while permitting limited, small scale commercial activities oriented to the neighborhoods.
- B. Permitted uses. The following uses are permitted in the Neighborhood Service District:
 - (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
 - (2) The following residential uses:
 - (a) Single-family dwellings.
 - (b) Two-family dwellings.
 - (c) Multifamily dwellings served by public sewer.
 - (d) Open space residential developments that meet the standards of Article IX.
 - (e) Accessory apartments.
 - (3) The following municipal and institutional uses:
 - (a) Churches.
 - (b) Community buildings.
 - (c) Municipal uses.
 - (d) Nursery schools and day-care centers.
 - (e) Private schools.
 - (f) Public schools.
 - (g) Quasi-public facilities.
 - (4) The following commercial uses:
 - (a) Financial services, excluding drive-through windows.

- (b) Funeral homes.
 - (c) Hair salons.
 - (d) Inns.¹
 - (e) Markets.
 - (f) Personal services.
 - (g) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.
 - (h) Low-impact uses, as defined in this chapter and not otherwise allowed in this district, that meet the terms of Article VII, § 290-7.4I.
 - (i) Function hall. **[Added 6-17-2009]**
 - (j) Parking facilities.
- (5) The following water-dependent uses:
- (a) Municipal boat ramps and municipal piers.
- (6) The following industrial uses:
- (a) Tradesmen's shops.
- (7) The following utility uses:
- (a) Essential services.
 - (b) Road construction.
- (8) The following accessory activities:
- (a) Accessory uses.
 - (b) Home occupations.
 - (c) Homestay.

A¹ following a listed use means the use must be located wholly within structures existing as of the date of adoption of this chapter.

C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:

- (1) The following residential uses:
 - (a) Community living uses.
 - (b) Congregate housing served by public sewer.
 - (c) Nursing and convalescent homes.
 - (d) Rooming houses.
- (2) The following commercial uses:

- (a) Auto repair garages.
- (b) Tier 1 indoor marijuana cultivation facilities. **[Added 6-12-2019]**
- (3) The following professional services:
 - (a) Professional offices.
 - (b) Health service facilities.

D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards.

- (1) The general standards of performance of Articles X and XA shall be observed.
- (2) The following space and bulk standards shall apply: **[Amended 6-14-2022]**

Type of Use	Sewer	No Sewer
Minimum lot area		
Residential	10,000 square feet	30,000 square feet
Nonresidential	10,000 square feet	20,000 square feet
Minimum lot area per dwelling unit		
Single-family	10,000 square feet	30,000 square feet
Accessory apartments	No increase in lot area required	No increase in lot area required
Two-family dwellings	7,500 square feet	10,000 square feet
Multifamily dwellings	7,500 square feet	Not permitted
Congregate housing	3,000 square feet	Not permitted
Minimum street frontage		
Residential	75 feet	100 feet
Nonresidential	100 feet	100 feet
Minimum setbacks		
Residential		

Type of Use	Sewer	No Sewer
Front setback	15 feet, except where the following lots with existing buildings have established a uniform setback relationship (see definitions) to the street, any new building shall be set back from the edge of the right-of-way of the street no more than a maximum distance which is 5 feet greater than the average setback for those two adjacent lots on each side of the subject lot, and no less than a minimum distance which is 5 feet less than the average setback for those two adjacent lots on each side of the subject lot; provided, however, that such a building on the subject lot shall be no closer to the right-of-way of the street than the building closest to the edge of that right-of-way on those 4 adjacent lots. Where a uniform setback relationship exists, accessory structures or additions to existing structures shall be set no less than two feet further back than the actual setback of the principal building unless that actual setback is greater than the maximum setback.	25 feet
Back setback	15 feet	15 feet
Normal high-water mark	See Article X, § 290-10.2M(10)	See Article X, § 290-10.2M(10)
Nonresidential		
Front	Same as residential	Same as residential
Side	15 feet	15 feet
Back		
Normal high-water mark	See Article X, § 290-10.2M(10)	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
Maximum building coverage		
Residential	25%	20%
Nonresidential	30%	30%
Maximum ground coverage		

Type of Use	Sewer	No Sewer
General	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking
Shoreland area	20%	20%
Maximum building or structure height		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
Minimum distance between principal buildings on same lot		
	30 feet	30 feet

- (3) Screening. Multifamily, congregate housing, and nonresidential uses abutting a residential use or district shall provide screening in accordance with the standards in Article XA, § 290-10A.4, of this chapter.
- (4) Shoreland area. Properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.12. Harbor Business District (B-H).

- A. Purpose. The purpose of the Harbor Business District is to preserve and maintain for the citizens of Camden the character of Camden Harbor, including its scenic value and views from the land, its accessibility to the public, and its economic value for functionally water-dependent uses.
- B. Permitted uses. The following uses are permitted in the Harbor Business District:
 - (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
 - (2) The following residential uses: **[Amended 6-17-2008]**
 - (a) Single-family dwellings, provided the standards of Subsection E(6) are met.
 - (b) Two-family dwellings, provided the standards of Subsection E(6) are met.
 - (c) Multifamily dwellings, provided the standards of Subsection E(6) are met.
 - (3) The following marine-related uses: **[Added 6-17-2008]**
 - (a) Boat and marine sales, service, maintenance, repair and construction, including marine fabrication, sail making, canvas manufacturing, marine metal casting.
 - (b) Indoor and outdoor boat storage.
 - (c) Marine and oceanographic research laboratories.

- (d) Marine transportation offices, including shipping offices.
 - (e) Professional and business offices where maritime issues and products are the primary use; i.e., naval architects, surveyors, maritime publishers, maritime lawyers, etc.
 - (f) Maritime or historical museums.
 - (g) Yachting or sailing clubs, and schools which give marine or nautical instruction.
- (4) The following commercial uses: **[Amended 11-13-2007; 6-17-2008]**
- (a) Financial services, except on a floor at street level*.
 - (b) Inns, located at least 276 feet from the harbor line.
 - (c) Leasing, rental, and storage facilities, excluding those that serve or benefit any dwelling unit or owner thereof, within the same structure or on a common lot or tract of land.
 - (d) Publishing of newspapers, magazines, and books (excluding printing plants), except on a floor at street level*
 - (e) Technical services, except on a floor at street level.* **[Added 11-11-2008]**
 - (f) Restaurants.
 - (g) Retail sales, excluding motor vehicle sales and repairs, motor home sales, motorcycle and motorbike rental and sales, and gas stations (except for marine-related purposes) and similar outdoor sales establishments that tend to detract from or interfere with a high intensity of pedestrian activity.
 - (h) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.
 - (i) Function hall. **[Added 6-17-2009]**
 - (j) Parking facilities.
- (5) The following professional services:
- (a) Professional offices, except on a floor at street level.*
- (6) The following water-dependent uses:
- (a) Marinas and recreational fishing and boating facilities.
 - (b) Municipal boat ramps and municipal piers.
 - (c) Other functionally water-dependent uses as defined in this chapter.
- (7) The following industrial uses:
- (a) Tradesmen's shops that include the retailing of items produced on the premises.
- (8) The following utility uses:
- (a) Seasonal parking within boat storage buildings. **[Added 6-17-2008]**
 - (b) Essential services.
 - (c) Public utilities.

(d) Road construction.

(9) The following accessory activities: **[Amended 6-17-2008]**

- (a) Accessory uses, except no residential accessory use shall occur on a floor at street level unless the residential use is permitted at street level.*
- (b) Home occupations, except no other residential accessory use shall occur on a floor at street level unless the residential use is permitted at street level.*
- (c) Homestay, except no such use shall occur on a floor at street level unless the residential use is permitted at street level.*

* Access to the use may be permitted from street level so long as the width or overall area of such accessway does not exceed minimum state or federal requirements.

C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:

(1) The following municipal and institutional uses:

- (a) Municipal uses.
- (b) Quasi-public facilities.

D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards.

(1) The standards of performance of Articles X and XA shall be observed.

(2) The following space and bulk standards shall apply: **[Amended 6-17-2008]**

Type of Use	Requirement
Minimum lot area	20,000 square feet
Minimum lot area per dwelling unit	
Single-family	1,500 square feet
Two-family dwellings	1,500 square feet
Multifamily dwellings	1,500 square feet
Minimum street frontage	None
Minimum setbacks	
Front, side, and back	None
From the Harbor line per Zoning Map B	15 feet, except 60 feet for buildings or structures over 24 feet high; no setback required for piers, ramps, launching ramps or other structures which must adjoin the harbor line in order to accomplish or support functionally water-dependent uses
From the mean high waterline of the Outer Harbor	40 feet
Side and back yard for nonresidential use abutting a residential district	10 feet, except 15 feet for buildings over 24 feet high on lots abutting in inner harbor.
Maximum building coverage	

Type of Use	Requirement
General	100%, subject to the requirements in Article VIII, § 290-8.12E(3), for a view corridor with an area equal to 20% of the total lot area
Buildings over 24 feet high on lots abutting the Inner Harbor	10% or 12,000 square feet of the lot, whichever is less.
Minimum distance between buildings	200 feet between buildings over 24 feet high on lots abutting the inner harbor; provided, however, that there shall be no minimum distance between a building over 24 feet high and a building whose height is 24 feet or less and no minimum distance between buildings with heights of 24 feet or less. For lots abutting the outer harbor, there is no minimum distance between buildings.
Maximum ground coverage	The total area of all buildings, structures, parking lots and other nonvegetated surfaces on a lot shall be permitted to cover 100% of a total lot area, subject to the requirements for a view corridor in Article VIII, § 290-8.12E(3)
Maximum building or structure height	
General (except as stated below)	24 feet
Residential uses at street level and inns	30 feet, plus 4 feet if all roof areas above 16 feet have a pitch of 5 in 12 or greater
Nonresidential buildings of 1 story, used exclusively for construction, storage or repair of boat or ships	
On lots abutting the Inner Harbor	32 feet
On lots abutting the Outer Harbor	40 feet
Temporary structures for functionally water-dependent uses (other than such structures enclosing vessels under construction or repair) which are located within the 15-foot setback from the Harbor line	
Maximum height	14 feet
Maximum lot coverage of temporary structure	150 square feet
Temporary structures for functionally water dependent uses employed only to enclose vessels under construction or repair	
Maximum height	7 feet above the highest point of vessel, calculated without reference to mast and incidental protrusions
Maximum building coverage	Area resulting from width of the vessel multiplied by the length of the vessel; with the calculation of width and length including 4 feet beyond scaffolding or devices necessary for working on such vessel, such devices constructed to conform to OSHA standards

(3) Additional space and bulk standards.

- (a) A minimum of 20% of the lot area shall be kept free of buildings and structures as a single, straight view corridor of constant width from street to Harbor line. In calculating lot area, the property

landward of the officially established Harbor line shall be included, minus any area within existing, recorded easements upon which building is prohibited. Any fence in the view corridor shall be of open construction. Temporary structures shall not interfere with this view corridor.

- (b) No part of a building may project over the right-of-way at any point.
- (4) Shoreland area. Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.
- (6) Residential use. The following standards are intended to enhance the economic vitality of the district by creating an incentive to improve marine facilities and an opportunity to fund such improvements through limited residential development. Residential use is prohibited except as follows: **[Added 6-17-2008; amended 6-12-2012]**
 - (a) Residential use is permitted, within 180 feet of the front property line on Atlantic Avenue, except on a floor at street level, provided all chapter requirements are met. The street-level space shall be fully enclosed and conditioned with a minimum ceiling height of seven feet six inches. Access to the use may be permitted from street level so long as the width or overall area of such access way does not exceed minimum state and federal requirements.
 - (b) Residential use is permitted at street level at a distance of more than 276 feet from the Harbor line, provided two square feet of marine building coverage is constructed for each square foot of residential building coverage. Access to the use may be permitted from street level so long as the width or overall area of such access way does not exceed minimum state and federal standards.
 - [1] Marine building coverage shall include new permanent buildings and buildings in which 50% of the market value of the structure has been removed and replaced.
 - [2] Marine construction and residential construction may take place concurrently; however, a certificate of occupancy for a residential building shall be issued only upon issuance of a certificate of occupancy for the marine building that permitted the associated residential construction.
 - (c) Notwithstanding the provisions of Subsection E(6)(a) above, residential use shall be permitted at street level in structures listed on the National Register of Historic Places if they were listed on the Register on June 13, 2017, the date of creation of Subsection E(6)(c). **[Added 6-14-2017]**

§ 290-8.13. River Business District (B-R).

- A. Purpose. The purpose of the River Business District is to provide for the maintenance, development and redevelopment of lands and buildings in river-oriented locations that have historically been used for economic activity, or for which there is opportunity for such activity. It is intended that development and redevelopment proceed in a way that respects and maintains the environmental and scenic qualities of the river.
- B. Permitted uses. The following uses are permitted in the River Business District:
 - (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
 - (2) The following resource production uses:
 - (a) Timber harvesting.

- (3) The following residential uses:
- (a) Single-family, two-family, and multifamily dwellings, except that no residential use and no use accessory to a residential use, including but not limited to parking and storage except a home occupation, shall occur on a floor at street level without an equivalent area of allowed commercial, professional services, industrial, or utility uses, as defined, in a building at street level on the same lot of record. Access to the use may be permitted from street level so long as such accessway does not exceed minimum state or federal access requirements. **[Amended 11-5-2013]**
 - (b) Mobile home parks existing as of November 4, 2008. **[Added 11-11-2008]**
- (4) The following municipal and institutional uses:
- (a) Municipal uses. **[Added 6-20-2006]**
 - (b) Quasi-public facilities.
- (5) The following commercial uses:
- (a) Auction barns.
 - (b) Auto repair garages.
 - (c) Boat and marine sales and service.
 - (d) Clinics for animals.
 - (e) Commercial schools.
 - (f) Financial services.
 - (g) Hair salons.
 - (h) Hotels and motels.
 - (i) Inns.
 - (j) Leasing, rental, and storage facilities.
 - (k) Outdoor boat storage.
 - (l) Personal services.
 - (m) Publishing of newspapers, magazines, and books.
 - (n) Retail sales and rental of goods and equipment, provided there is no exterior storage or display of motor vehicles.
 - (o) Restaurants.
 - (p) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.
 - (q) Theaters and entertainment, excluding games and activities common to amusement parks.
 - (r) Low-impact uses, as defined in this chapter and not otherwise allowed in this district, that meet the terms of Article VII, § 290-7.4I.
 - (s) Technical services.

- (t) Function hall. **[Added 6-17-2009]**
 - (u) Parking facilities.
- (6) The following professional services:
 - (a) Professional offices.
 - (b) Health service facilities.
- (7) The following industrial uses:
 - (a) Agricultural products processing plants.
 - (b) Manufacturing.
 - (c) Printing plants.
 - (d) Research and development.
 - (e) Storage and maintenance of construction equipment.
 - (f) Tradesmen's shops.
 - (g) Warehousing, excluding truck terminals.
 - (h) Wholesale trade.
- (8) The following utility uses:
 - (a) Essential services.
 - (b) Public utilities.
 - (c) Road construction.
- (9) The following accessory activities:
 - (a) Accessory uses except where otherwise prohibited at street level.
 - (b) Home occupations.
 - (c) Homestay, except where residential use is otherwise prohibited at street level.
- C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:
 - (1) The following commercial use.
 - (a) Tier 1 and 2 indoor marijuana cultivation facilities.
- D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.
- E. Standards.
 - (1) The standards of performance of Articles X and XA shall be observed.
 - (2) The following space and bulk standards shall apply: **[Amended 11-5-2013]**

Type of Use	Requirement
Minimum lot area	
Residential	None
Nonresidential	None
Minimum lot area per dwelling unit	
Single-family	5,000 square feet
Two-family dwellings	5,000 square feet
Multifamily dwellings	1,500 square feet
Congregate housing	Not permitted
Minimum street frontage	None
Minimum setbacks	
Front, side, and back	None
Normal high-water mark	
Parking lots and paved surfaces	75 feet
Structures	30 feet
Side and back yard for nonresidential use abutting a residential district or a lot wholly or partially in residential use	25 feet
Maximum building coverage	70%
Maximum ground coverage	70%
Maximum building or structure height	
Residential	40 feet
Nonresidential	40 feet
Minimum distance between principal buildings on same lot	15 feet

- (3) Screening. Multifamily and nonresidential uses abutting a residential use on a separate lot of record or district shall provide screening in accordance with the standards in Article XA, § 290-10A.4, of this chapter. **[Amended 11-5-2013]**
- (4) Shoreland area. Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.14. Industrial District (I).

- A. Purpose. The purpose of the Industrial District is to encourage nonpolluting industrial developments at reasonable density.
- B. Permitted uses. The following uses are permitted in the Industrial District:
 - (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.

- (2) The following resource production uses:
 - (a) Timber harvesting.
- (3) The following municipal uses:
 - (a) Municipal uses. **[Added 6-20-2006]**
- (4) The following commercial uses:
 - (a) Auction barns.
 - (b) Auto repair garages.
 - (c) Boat and marine sales and service.
 - (d) Clinics for animals.
 - (e) Commercial schools.
 - (f) Leasing, rental, and storage facilities.
 - (g) Motor vehicle sales.
 - (h) Outdoor boat storage.
 - (i) Retail sales incidental to a permitted use, and retail and service establishments intended primarily to serve other permitted uses in the Industrial District.
 - (j) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.
 - (k) Technical services, provided that retail sales are devoted to less than 10% of the floor area of the business. **[Amended 11-11-2008]**
 - (l) Parking facilities.
 - (m) Markets.
- (5) The following professional services:
 - (a) Professional offices.
 - (b) Health service facilities.
- (6) The following industrial uses:
 - (a) Agricultural products processing plants.
 - (b) Manufacturing.
 - (c) Printing plants.
 - (d) Research and development.
 - (e) Storage and maintenance of construction equipment.
 - (f) Tradesmen's shops.
 - (g) Truck terminals.

(h) Warehousing.

(i) Wholesale trade.

(7) The following utility uses:

(a) Essential services.

(b) Public utilities.

(c) Road construction.

(8) The following accessory activities:

(a) Accessory uses.

C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:

(1) The following commercial uses:

(a) Gas stations.

(b) Tier 1 and 2 indoor marijuana cultivation facilities.

D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards.

(1) The standards of performance of Articles X and XA shall be observed.

(2) The following space and bulk standards shall apply:

Type of Use	Requirement
Minimum lot area	
Residential	Not permitted
Nonresidential	40,000 square feet
Minimum lot area per dwelling unit	Not applicable
Minimum street frontage	
Nonresidential	200 feet
Minimum setbacks	
Nonresidential	
Front	50 feet
Side	20 feet
Back	20 feet
Normal high-water mark	See Article X, § 290-10.2M(10)
Side and back yard for nonresidential use abutting a residential district	50 feet
Maximum building coverage	50%
Maximum ground coverage, shoreland area	20%

Type of Use	Requirement
Maximum building or structure height	40 feet
Minimum distance between principal buildings on same lot	None

- (3) Screening. Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article XA, § 290-10A.4, of this chapter.
- (4) Shoreland area. Properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.15. Transitional Harbor Business District (B-TH). [Added 6-20-2006]

- A. Purpose. The purpose of the Transitional Harbor Business District is to provide a transition between the Inner Harbor retail district and the residential neighborhood of the Outer Harbor while preserving and maintaining the character, scenic value, accessibility and economic value for functionally water-dependent uses in Camden Harbor.
- B. Permitted uses. The following uses are permitted in the Transitional Harbor Business District:
 - (1) The following resource protection uses:
 - (a) Uses listed in § 290-8.1, Natural Resource Protection District, Subsection B, of this article.
 - (2) The following residential uses: **[Amended 6-17-2008]**
 - (a) Single-family dwellings within 55 feet of the front property line on Bay View Street, except no residential use and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.*
 - (b) Two-family dwellings within 55 feet of the front property line on Bay View Street, except no residential use and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.*
 - (c) Multifamily dwellings within 55 feet of the front property line on Bay View Street, except no residential use and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.
 - * Access to the use may be permitted from street level so long as the width or overall area of such accessway does not exceed minimum state or federal access requirements.
 - (3) The following marine-related uses: **[Added 6-17-2008]**
 - (a) Boat and marine sales, service, maintenance, repair and construction, including marine fabrication, sail making, canvas manufacturing, and marine metal casting.
 - (b) Indoor and outdoor boat storage.
 - (c) Marine and oceanographic research laboratories.
 - (d) Marine transportation offices, including shipping offices.
 - (e) Professional and business offices where maritime issues and products are the primary use; i.e.,

- naval architects, surveyors, maritime publishers, maritime lawyers, etc.
- (f) Maritime or historical museums.
 - (g) Yachting or sailing clubs, and schools which give maritime or nautical instruction.
- (4) The following commercial uses:
- (a) Financial services. **[Amended 6-17-2009]**
 - (b) Inns. **[Amended 6-17-2009]**
 - (c) Leasing, rental, and storage facilities.
 - (d) Publishing. **[Amended 6-17-2009]**
 - (e) Technical services, except on a floor at street level.* **[Added 11-11-2008]**
 - (f) Restaurants.
 - (g) Retail sales, excluding motor vehicle sales and repairs, motor home sales, motorcycle and motorbike rental and sales, and gas stations (except for marine-related purposes) and similar outdoor sales establishments that tend to detract from or interfere with a high intensity of pedestrian activity.
 - (h) Storage within barns or similar accessory structures existing as of the date of adoption of this chapter.
 - (i) Theaters and entertainment (excluding games and activities common to amusement parks), except on a floor at street level.*
 - (j) Function hall. **[Added 6-17-2009]**
 - (k) Commercial schools within 55 feet of the front property line on Bay View Street. **[Added 6-17-2009]**
 - (l) Funeral homes within 55 feet of the front property line on Bay View Street. **[Added 6-17-2009]**
 - (m) Hair salons within 55 feet of the front property line on Bay View Street. **[Added 6-17-2009]**
 - (n) Personal services within 55 feet of the front property line on Bay View Street. **[Added 6-17-2009]**
 - (o) Parking facilities.
- * Access to the use may be permitted from street level so long as the width or overall area of such accessway does not exceed minimum state or federal access requirements.
- (5) The following professional services:
- (a) Professional offices. **[Amended 6-17-2009]**
- (6) The following water-dependent uses:
- (a) Marinas and recreational fishing and boating facilities.
 - (b) Municipal boat ramps and municipal piers.
 - (c) Other functionally water-dependent uses as defined in this chapter.
- (7) The following industrial uses:

- (a) Tradesmen's shops that include the retailing of items produced on the premises.
- (8) The following utility uses:
 - (a) Essential services.
 - (b) Public utilities.
 - (c) Road construction.
- (9) The following accessory activities:
 - (a) Accessory uses, except where otherwise prohibited at street level.
 - (b) Home occupations.
 - (c) Homestay, except at street level.
- C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter: **[Added 6-17-2009]**
 - (1) The following municipal and institutional uses:
 - (a) Municipal uses.
 - (b) Quasi-public facilities.
 - (c) Community buildings within 55 feet of the front property line on Bay View Street.
- D. Prohibited uses. Uses not allowed as permitted uses or special exceptions are prohibited within this district.
- E. Standards.
 - (1) The standards of performance of Articles X and XA shall be observed.
 - (2) The following space and bulk standards shall apply:

Type of Use	Requirement
Minimum lot area	20,000 square feet
Minimum lot area per dwelling unit	
Single-family	1,500 square feet
Two-family dwellings	1,500 square feet
Multifamily dwellings	1,500 square feet
Minimum street frontage	None
Minimum setbacks	
Front, side, and back	None
From the Harbor line per Zoning Map B	15 feet, except 60 feet for buildings or structures over 24 feet high; no setback required for piers, ramps, launching ramps or other structures which must adjoin the Harbor line in order to accomplish or support functionally water-dependent uses
From the mean high waterline of the Outer Harbor	40 feet

Type of Use	Requirement
Side and back yard for nonresidential use abutting a residential district	10 feet, except 15 feet for buildings over 24 feet high on lots abutting in Inner Harbor
Maximum building coverage	
General	100%, subject to the requirement in Article VIII, § 290-8.12E(3), for a view corridor with an area equal to 20% of the total lot area
Buildings over 24 feet high on lots abutting the Inner Harbor	10% or 12,000 square feet of the lot, whichever is less
Minimum distance between buildings	200 feet between buildings over 24 feet high on lots abutting the Inner Harbor; provided, however, that there shall be no minimum distance between a building over 24 feet high and a building whose height is 24 feet or less and no minimum distance between buildings with heights of 24 feet or less. For lots abutting the outer harbor, there is no minimum distance between buildings.
Maximum ground coverage	The total area of all buildings, structures, parking lots and other nonvegetated surfaces on a lot shall be permitted to cover 100% of a total lot area, subject to the requirements for a view corridor in Article VIII, § 290-8.12E(3)
Maximum building or structure height	
General (except as stated below)	24 feet
Nonresidential buildings of 1 story, used exclusively for construction, storage or repair of boat or ships	
On lots abutting the Inner Harbor	32 feet
On lots abutting the Outer Harbor	40 feet
Temporary structures for functionally water dependent uses (other than such structures enclosing vessels under construction or repair) which are located within the 15 feet setback from the Harbor line	
Maximum height	14 feet
Maximum lot coverage of temporary structures	150 square feet
Temporary structures for functionally water-dependent uses employed only to enclose vessels under construction or repair	
Maximum height	7 feet above the highest point of vessel, calculated without reference to mast and incidental protrusions
Maximum building coverage	Area resulting from width of the vessel multiplied by the length of the vessel; with the calculation of width and length, including 4 feet beyond scaffolding or devices necessary for working on such vessel, such devices constructed to conform to OSHA standards

(3) Additional space and bulk standards. **[Added 11-15-2005]**

- (a) A minimum of 20% of the lot area shall be kept free of buildings and structures as a single, straight view corridor of constant width from street to Harbor line. In calculating lot area, the property landward of the officially established Harbor line shall be included, minus any area within existing, recorded easements upon which building is prohibited. Any fence in the view corridor shall be of open construction. Temporary structures shall not interfere with this view corridor.
- (b) No part of a building may project over the right-of-way at any point.
- (4) Shoreland area. Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- (5) Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.

§ 290-8.16. Business Opportunity Zone (BOZ).

A. Purpose.

- (1) To create a new zoning category intended to encourage balanced development, energy-efficient, aesthetically pleasing and cost-effective commercial projects, while acknowledging green space protection, including on small and/or irregularly shaped land parcels where site limitations would otherwise make adhering to current district regulations impractical.
- (2) The Business Opportunity Zone overlay design standards found in Article XII, § 290-12.6L, may be used in lieu of the current zoning in Zoning Districts B-2, B-3, B-4 and B-R. In order to qualify as a Business Opportunity Zone in any of these districts, the site must be a minimum of one acre in size and can be comprised of either an individual parcel or an assemblage of two or more adjacent parcels totaling at least one acre.
- (3) When the Business Opportunity Zone is used in the design and development of a parcel, the permitted uses, district regulations and standards of the Business Opportunity Zone (BOZ) shall supersede and/or replace the permitted uses, district regulations and standards of the overlaid parcel's existing zoning district.
- (4) When the Business Opportunity Zone is overlaid on areas within the B-3 District as of the date of adoption of these provisions, any new or modified buildings must hold to the original purpose of this district to preserve the character and appearance of the established neighborhood as described in Article VIII, § 290-8.10A, of this chapter.

B. Permitted uses. The following uses are permitted in the Business Opportunity Zone:

- (1) The following residential uses:
 - (a) Multifamily dwellings, as long as there is no residential use and no use accessory to a residential use (including but not limited to parking and storage) on street level or below and the total square footage of all residential uses does not exceed 33% of the total square footage in any individual building.
 - (b) Sleeping and bathroom facilities and a shared kitchen for staff use during active shifts as an accessory to the approved use.
- (2) The following commercial uses:
 - (a) Boat and marine sales and service, provided there is no outdoor storage or display of products.
 - (b) Restaurants. **[Amended 6-13-2018]**

- (c) Financial services.
- (d) Hair salons.
- (e) Personal services.
- (f) Retail sales.
- (g) Technical services.
- (h) Local passenger transportation services.
- (i) Neighborhood stores.

(3) The following professional uses:

- (a) Professional offices.
- (b) Health service facilities.

(4) The following industrial uses:

- (a) Manufacturing.
- (b) Wholesale trade.
- (c) Research and development establishments.

(5) The following utility uses:

- (a) Essential services.
- (b) Public utilities.
- (c) Road construction.

(6) The following accessory activities:

- (a) Accessory uses, except where otherwise prohibited at street level.
- (b) Nursery schools and day-care centers.

(7) The following municipal and institutional uses:

- (a) Commercial schools.

C. Uses permitted as special exceptions. The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this chapter:

- (1) Office/warehouse/distribution.
- (2) Gas station as an accessory use to a neighborhood store, as long as there are no other gas stations within 1/2 mile as measured along a road.

D. Prohibited uses.

- (1) Drive-through windows.
- (2) Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards.

- (1) The standards of performance of Articles X and XA shall be observed.
- (2) The following space and bulk standards shall apply:

Type of Use	Requirement
Minimum lot area	One acre
Minimum street frontage	Per the underlying district standard
Minimum setbacks	
Front, side, and back	10 feet
Maximum building coverage	See Article XII, § 290-12.6L(1) to (5), for BOZ design standards
Maximum ground coverage	See Article XII, § 290-12.6L(1) to (5), for BOZ design standards
Maximum building or structure height	See Article XII, § 290-12.6L(1) to (5), for BOZ design standards
Minimum distance between principal buildings on same lot	10 feet

- (3) Architectural review and approval. Proposals for a Business Opportunity Zone overlay shall undergo an architectural review after obtaining site plan approval, both of which shall be the purview of the Planning Board.
 - (a) Proposals will be evaluated based on scale, proportion and blending with topography.
 - (b) Any architectural review required as part of site plan review shall remain in place.
 - (c) All Business Opportunity Zone Overlay projects shall be reviewed under the design standards of Article XII, § 290-12.6L(1) to (5).
 - (d) Whenever the Business Opportunity Zone is overlaid on lands within the B-1 District, review under the design standards of Article XII, § 290-12.6K(1) to (7), shall apply.
- F. Screening. Multifamily and nonresidential uses abutting a residential use or district shall provide screening in accordance with the standards in Article XA, § 290-10A.4, of this chapter.
- G. Shoreland area. Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, § 290-10.2, of this chapter.
- H. Historic areas. Properties within historic areas shall comply with the additional standards set forth in Article X, § 290-10.4, of this chapter.
- I. Application and implementation. A developer or property owner (the applicant) shall notify the Town Planner and the Planning Board that they intend to use Business Opportunity Zone overlay design standards in the design of their site plan and the development of the property (properties). The applicant shall then process their site plan through Article XII of this chapter. The applicant can seek final approval by satisfying the additional submission requirements and approval criteria specific to Business Opportunity Zone applications.

ARTICLE IX
Open Space Zoning

§ 290-9.1. Purpose. [Amended 6-20-2007]

The purpose of this article is, within rural areas of Camden, to maintain the rural, natural, and scenic qualities of the Town and, within developing areas, to provide for flexibility in the design of open space residential development.

§ 290-9.2. Applicability. [Amended 6-20-2007]

- A. Rural-1, Rural-2, and Coastal Residential Districts. The provisions of this article shall be mandatory for residential subdivisions with three or more lots, or for condominiums or cooperative ownership projects on one lot with three or more dwelling units that are located in the Rural-1, Rural-2, or Coastal Residential Districts. These provisions are not mandatory for lots within subdivisions that are located in other districts. **[Amended 11-2-2021]**
- B. Village and Village Extension Districts. In Village and Village Extension Districts, the provisions of this article shall be optional.
- C. Lots located in more than one zoning district. When a lot is located in two or more zoning districts and a majority of the lot falls within one of the mandatory open space zoning districts, then the lot shall meet the provisions of this article.

§ 290-9.3. General standards. [Amended 6-20-2007]

Open space residential developments proposed under the terms of this article shall meet all requirements of this article, unless otherwise noted. The uses of the land shall not differ from the uses permitted in the district in which the development is located. "Buildable land" is all land except land within street rights-of-way, wetlands as defined in this chapter, 100-year floodplains, water bodies, or sustained slopes in excess of 20%. Modifications of space and bulk provisions shall not be construed as granting variances to relieve hardship.

A. Within the Rural-1 District:

- (1) The total number of dwelling units shall not exceed one unit per 60,000 square feet. **[Amended 11-2-2021]**
- (2) Each lot within the subdivision shall contain a minimum of one acre of buildable land.
- (3) Lots and/or dwelling units shall be laid out so that, on average, they encompass (or, in the case of dwelling units not on individual lots, occupy) no more than two acres of buildable land per lot or dwelling unit, and so that at least 60% of the parcel remains as open space and not otherwise assigned to individual dwelling units or any other structures. **[Amended 11-2-2021]**
- (4) Minimum road frontage shall be 75 feet. However, no individual lot or dwelling unit shall have its required frontage on a public road existing at the time of application for development or gain its access from such a road.
- (5) No building or structure shall be located within 25 feet of any property line.
- (6) Neither shore frontage nor setbacks from the normal high-water marks of water bodies shall be reduced below the minimum otherwise required in the district.
- (7) Dwelling units may be clustered within a single building or series of attached units. In these cases, the provisions of this Subsection A shall apply, with the following exceptions and additions: **[Amended 11-2-2021]**

- (a) No building shall contain more than six dwelling units and no more than an average of four units per building for the development as a whole; and attached dwellings shall include no more than six dwelling units in any single series, and no more than an average of four per series for the development as a whole.
- (b) In addition to dwelling units, the project may also contain common ownership structures to support the development dwelling units, including but not limited to a common house or building, water and septic buildings, and land use support buildings such as barns and equipment storage.

B. Within the Rural-2 District:

- (1) The total number of dwelling units shall not exceed one unit per 60,000 square feet. **[Amended 11-2-2021]**
- (2) Each lot within the subdivision shall contain a minimum of 30,000 square feet of buildable land.
- (3) Lots and/or dwelling units shall be laid out so that, on average, they encompass (or, in the case of dwelling units not on individual lots, occupy) no more than 1 1/2 acres of buildable land per lot or dwelling unit, and so that at least 50% of the parcel remains as open space and not otherwise assigned to individual dwelling units or any other structures. **[Amended 11-2-2021]**
- (4) Minimum road frontage shall be 50 feet. However, no individual lot or dwelling unit shall have its required frontage on a public road existing at the time of application for development or gain its access from such a road.
- (5) No building or structure shall be located within 25 feet of any property line.
- (6) Neither shore frontage nor setbacks from the normal high-water marks of water bodies shall be reduced below the minimum otherwise required in the district.
- (7) Dwelling units may be clustered within a single building or series of attached units. In these cases, the provisions of this Subsection B shall apply, with the following exceptions and additions: **[Amended 11-2-2021]**
 - (a) No building shall contain more than six dwelling units and no more than an average of four units per building for the development as a whole; and attached dwellings shall include no more than six dwelling units in any single series, and no more than an average of four per series for the development as a whole.
 - (b) In addition to dwelling units, the project may also contain common ownership structures to support the development dwelling units, including but not limited to a common house or building, water and septic buildings, and land use support buildings such as barns and equipment storage.

C. Within the Coastal Residential District:

- (1) The total number of dwelling units shall not exceed one unit per 30,000 square feet if the property is served by public sewerage, or one unit per 60,000 square feet if the property is served by one on-site wastewater disposal system.
- (2) Each lot within the subdivision shall contain a minimum of 10,000 square feet of land if served by public sewerage, or a minimum of 30,000 square feet of buildable land if the property is served by on-site wastewater disposal systems.
- (3) Lots and/or dwelling units shall be laid out so that, on average, they encompass (or, in the case of dwelling units not on individual lots, occupy) no more than 1 1/2 acres of buildable land per lot or dwelling unit, and so that at least 33% of the parcel remains as open space and not otherwise assigned to individual dwelling units or any other structures. **[Amended 11-2-2021]**

- (4) Minimum road frontage shall be 50 feet. However, no individual lot or dwelling unit shall have its required frontage on a public road existing at the time of application for development or gain its access from such a road.
- (5) No building or structure shall be located within 25 feet of any property line.
- (6) Neither shore frontage nor setbacks from the normal high-water marks of water bodies shall be reduced below the minimum otherwise required in the district.
- (7) Dwelling units may be clustered in a single building or a series of single family attached units, in which case the provisions of this Subsection C shall apply, with the following exceptions and additions:
[Amended 11-2-2021]
 - (a) Attached dwellings shall include no more than six dwelling units in any single series, and no more than an average of four per series for the development as a whole.
 - (b) In addition to dwelling units, the project may also contain common ownership structures to support the development dwelling units, including but not limited to a common house or building, water and septic buildings, and land use support buildings such as barns and equipment storage.

D. Within the Village and Village Extension Districts, dwelling units may be clustered on individual lots, within a single building, or within a series of attached buildings.

- (1) If the open space residential development is of individual lots for single-family detached or two-family dwellings and lots and/or dwelling units are laid out so that, on average, at least 20% of the parcel remains as open space outside of the lots and not otherwise assigned to individual dwelling units and at least 20% of the open space is buildable land:
 - (a) The total number of dwelling units shall not exceed one unit per 10,000 square feet, plus a 20% incentive bonus; however, no individual lot shall be less than 5,000 square feet (example: 200,000 square foot parcel = 20 lots plus 20% bonus = 24 total), provided that any lot not served by a public sewer or other approved community sewage collection and treatment system shall contain at least 20,000 square feet;
 - (b) Each lot shall have at least 50 feet of frontage on an approved way, either existing or proposed;
 - (c) Front yard setbacks shall not be reduced by more than 50%;
 - (d) Side yard setbacks shall together contain a total of at least 20 feet;
 - (e) Neither shore frontage nor setbacks from the normal high-water marks of water bodies shall be reduced below the minimum otherwise required in the district.
- (2) If the open space residential development is of individual lots for single-family detached or two-family dwellings and lots and/or dwelling units are to be laid out so that, on average, at least 10% of the parcel remains as open space outside of the lots and not otherwise assigned to individual dwelling units and at least 20% of the open space is buildable land:
 - (a) The total number of dwelling units shall not exceed one unit per 10,000 square feet, plus a 10% incentive bonus; however, no individual lot shall be less than 5,000 square feet (example: 200,000 square foot parcel = 20 lots plus 10% bonus = 22 lots total), provided that any lot not served by a public sewer or other approved community sewage collection and disposal system shall contain at least 20,000 square feet;
 - (b) Each lot shall have at least 63 feet of frontage on an approved way, either existing or proposed;
 - (c) Front yard setbacks shall not be reduced by more than 25%;

- (d) Side yard setbacks shall together contain a total of at least 23 feet;
 - (e) Neither shore frontage nor setbacks from the normal high-water marks of water bodies shall be reduced below the minimum otherwise required in the district.
- (3) If the development does not include creation of individual lots for single-family detached or two-family dwellings:
- (a) The parcel of land proposed for development shall contain a minimum gross lot area of 100,000 square feet; provided, however, that the minimum lot area per dwelling unit described in Subsection D(1)(a) above shall be met and the parcel shall have a minimum of 150 feet of frontage on an approved way, existing or proposed;
 - (b) No building or structure shall be located within 25 feet of any property line;
 - (c) The minimum distance between principal buildings on the same lot shall be equivalent to the height of the taller structure;
 - (d) No structure shall contain more than six dwelling units and no more than an average of four dwelling units per structure for the development as a whole, and attached dwellings shall include no more than six dwelling units in any single series and no more than an average of four per series for the development as a whole;
 - (e) Neither shore frontage nor setbacks from the normal high-water marks of water bodies shall be reduced below the minimum otherwise required in the district.

§ 290-9.4. Design standards.

In addition to other standards of this chapter and of Chapter 235, Subdivision of Land, individual building lots shall be laid out to achieve the following objectives (which are listed in order of priority, as it is recognized that some may conflict with others on a given site):

A. Within the Rural-1 and Rural-2 Districts:

- (1) Where on-site wastewater disposal is to be used, on suitable soils for subsurface wastewater disposal;
- (2) Below elevation 500 feet;
- (3) In a manner that maximizes as part of the required open space the amount of undisturbed, contiguous wildlife habitat; **[Amended 6-20-2007]**
- (4) In a manner that maximizes as part of the required open space the amount of contiguous, usable area for agriculture or woodlot production;
- (5) Such that all buildings are located along the edges of open fields or within adjacent woodlands; **[Amended 6-20-2007]**
- (6) In locations least likely to block or interrupt scenic vistas, as seen from the public roadway.

B. Within the Coastal Residential District:

- (1) Where on-site wastewater disposal is to be used, on suitable soils for subsurface wastewater disposal;
- (2) In a manner that preserves existing vegetation and other landscape features adjacent to public roadways;
- (3) In a manner that maximizes the amount of contiguous open space; **[Amended 6-20-2007]**
- (4) In a manner that preserves existing scenic vistas as seen from public roadways;

- (5) In a manner that minimizes the length of roadways, public utility lines, and other infrastructure within the proposed development.

C. Within the Village and Village Extension Districts: **[Amended 6-20-2007]**

- (1) Where on-site wastewater disposal is to be used, on suitable soils for subsurface wastewater disposal;
- (2) In a manner that minimizes the length of roadways, public utility lines, and other infrastructure within the proposed development;
- (3) In a manner that maximizes the amount of contiguous open space;
- (4) To provide planting, landscaping, fencing, and screening to buffer the development from, and integrate it with, the character of any surrounding development;
- (5) In locations where buildings will not interfere with the solar access of other properties.

§ 290-9.5. Common open spaces.

- A. The common open space created by the development shall be shown on the subdivision plan with the following notation on the face of the plan: "Common open space shall not be further divided or used for future building lots."
- B. The common open space shall be accessible to the residents of the development, either by locating lots in a manner that they abut the common open space, or via a roadway, right-of-way, easements, or a combination of these mechanisms.
- C. The common open space shall be used only for agriculture, woodlands, preserving the natural features of the site, or low-intensity recreation. Such uses shall not include rights-of-way (except easements for underground utilities), driveways, or parking areas, or tennis courts, swimming pools, or similar recreation development. Buildings related to allowed activities may be located in the common open space, provided that the footprints of such buildings shall not count toward the percentage of open space required by this article.
- D. The formation and incorporation by the developer of a homeowners' association shall be accomplished prior to final subdivision approval. Covenants for mandatory membership in the association shall be approved by the Planning Board and included in the deed for each lot or unit or incorporated by reference from a master document recorded in the Knox County Registry of Deeds. The association's documents shall specify that:
 - (1) The association shall have the responsibility of maintaining the common open spaces and other private facilities dedicated to the use in common by the development's residents.
 - (2) The association shall levy annual charges against all property owners to defray the expenses, if any, connected with maintenance of the common open spaces and facilities.
 - (3) The developer shall maintain control of common open spaces and facilities and be responsible for their maintenance until at least 51% of the development's lots or units have been completed and sold, with evidence of such completion and sales submitted to and approved by the Planning Board.

ARTICLE X
Performance Standards

§ 290-10.1. Standards in overlay areas.

This article contains three sections: shoreland areas, high-elevation areas, and historic areas. Each section identifies an area or areas in which special standards shall apply to the uses and activities within the area or areas. Unless otherwise indicated, the uses allowed within these areas shall not differ from those listed as permitted uses or uses permitted by special exception in the applicable underlying zoning district.

§ 290-10.2. Shoreland areas.

A. Applicability. This section applies to all land areas within 250 feet, horizontal distance, of the normal high waterline of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 250 feet of the Official Harbor Line as described in the Official Zoning Map B of the Town of Camden (where the Harbor line is different from the normal high waterline); and within 75 feet, horizontal distance, of the normal high waterline of a stream. The shoreland area is further depicted on the shoreland map of the Official Zoning Map on file in the Code Enforcement office. This section also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending below the normal high waterline of a water body or within a wetland, or beyond the Harbor line. **[Amended 11-10-2009]**

B. Agriculture. **[Amended 11-10-2009]**

- (1) All spreading of manure shall be accomplished in conformance with the Maine Utilization Guidelines published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. § 4201 through 4209).
- (2) Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within 75 feet horizontal distance of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland area must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater.
- (3) Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the shoreland area shall require a conservation plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this chapter.

NOTE: Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.

- (4) There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high waterline of a great pond classified GPA, within 75 feet, horizontal distance, of other water bodies and coastal wetlands; nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this amendment and not in conformance with this provision may be maintained. **[Amended 6-15-2010]**
- (5) Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high waterline of a great pond classified GPA; within 75 feet, horizontal distance, of other water bodies and coastal wetlands, nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a conservation plan that has been filed with the Planning Board.

- C. Beach construction and alteration of shorelines. Beach construction on any great pond or coastal wetland shall require a permit from the Department of Environmental Protection. Beach construction on any river, stream, or brook capable of floating watercraft shall require approval from the Commissioner of the Department of Environmental Protection (DEP), as required by law.
- D. Campgrounds and individual private campsites.
- (1) Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:
 - (a) Campgrounds shall contain a minimum of 5,000 square feet of land, not including road and driveways, for each site. Land supporting wetland vegetation and land below the normal high waterline of a water body shall not be included in calculating land area per site.
 - (b) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings, shall be set back a minimum of 100 feet, horizontal distance, from the normal high waterline of a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from the normal high waterline of other water bodies, tributary streams, or the upland edge of a wetland. **[Amended 11-10-2009]**
- E. Individual, private campsites not associated with campgrounds are allowed, provided the following conditions are met:
- (1) One campsite per lot existing as of November 1, 1991, or 30,000 square feet of lot area within a shoreland area, whichever is less, may be permitted.
 - (2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite privately. **[Amended 6-14-2016]**
 - (3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet, horizontal distance, from the normal high waterline of a great pond classified GPA, or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from the normal high waterline of other water bodies, tributary streams, or the upland edge of a wetland. **[Amended 11-10-2009]**
 - (4) Only one recreational vehicle shall be allowed on a campsite. A recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and nothing except a canopy shall be attached to the recreational vehicle. **[Amended 11-10-2009]**
 - (5) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1,000 square feet. **[Added 11-10-2009]**
 - (6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.
 - (7) When a recreational vehicle, tent or similar shelter is placed on-site for more than 120 days per year and not serviced by public sewage facilities, a sewage disposal system shall be installed in compliance with the State of Maine Subsurface Wastewater Disposal Rules.¹⁴
- F. Erosion and sedimentation control. On slopes greater than 25%, there shall be no grading or filling within 100 feet of the normal high-water mark except to protect the shoreline and prevent erosion. **[Amended 11-10-2009]**

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions shall comply with this section. Activities which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall include, where applicable, provisions for:
 - (a) Mulching and revegetation of disturbed soil.
 - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (c) Permanent stabilization structures such as retaining walls or riprap.
- (2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils on the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- (4) Any exposed ground area shall be temporarily or permanently stabilized within one week of the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine months of the initial date of exposure. In addition:
 - (a) Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.
 - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (5) Natural and man-made drainageways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five-year storm or greater, and shall be stabilized with vegetation or lined with riprap.

G. Mineral exploration and extraction.

- (1) Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than 100 square feet of ground surface, except that exploration which exceeds the above limitation may be permitted by the Code Enforcement Officer. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures so as to restore disturbed areas and to protect the public health and safety.
- (2) Mineral extraction may be permitted under the following conditions:
 - (a) The activity is carried out in accordance with a site plan approved by the Planning Board in accordance with Article XII. The site plan shall include a reclamation plan and shall be filed with and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Subsection G(2)(c) below.
 - (b) No part of any extraction operation, including drainage and runoff control features, shall be permitted within 100 feet, horizontal distance, of the normal high waterline of a great pond classified GPA or a river flowing to a great pond classified GPA, and within 75 feet, horizontal distance, of the normal high waterline of any other water body, tributary stream, or upland edge of a wetland. Extraction operations shall not be permitted within 75 feet, horizontal distance, of any

property line without written permission of the owner of such adjacent property. **[Amended 11-10-2009]**

- (c) Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive twelve-month period, ground levels and grades shall be established in accordance with the following:

- [1] All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered.

- [2] The final grade slope shall be 2 1/2 to one slope or flatter. **[Amended 11-10-2009]**

- [3] Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

H. Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high waterline of a water body or within a wetland, and shore stabilization. In addition to federal or state permits which may be required for such structures and uses, piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length, and uses projecting in water bodies shall conform to the following standards (all references to "Inner Harbor," "Outer Harbor," and "Coastal Harbor" shall mean those areas as defined in Chapter 108, Harbor and Waterways, of the Code of the Town of Camden):

I. General standards.

- (1) No more than one pier, dock, wharf or similar structure extending or located below the normal high waterline of a water body or within a wetland is allowed on a single lot, except that when a single lot contains at least twice the minimum shore frontage as specified in Subsection M(1), a second structure may be allowed and may remain as long as the lot is not further divided.
- (2) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (3) The location shall not interfere with existing development or natural beach areas.
- (4) The facility shall be located so as to minimize adverse effects on fisheries.
- (5) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in nontidal waters shall not be wider than six feet.
- (6) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high waterline of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- (7) New permanent piers and docks on nontidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.¹⁵
- (8) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high waterline of a water body or within a wetland shall be converted to residential dwelling

15. Editor's Note: See 38 M.R.S.A. § 480-A et seq.

units in any district.

- (9) Vegetation may be removed in excess of the standards in § 290-10.2S of this chapter in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
 - (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization via land must be limited to no more than 12 feet in width. When the stabilization project is complete, the construction-equipment accessway must be restored.
 - (b) Revegetation must occur in accordance with Subsection V.
- (10) A deck or river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:
 - (a) The total deck area attached to the structure does not exceed 700 square feet;
 - (b) The deck is cantilevered over a segment of a river that is located within the boundaries of the downtown revitalization project;
 - (c) The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project;
 - (d) The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in Subsection S(2); and
 - (e) The construction of the deck complies with all other state and federal laws.

J. Piers:

- (1) Height of walkway of piers and wharves in the shoreland area adjacent to the Inner Harbor and Outer Harbor areas as defined in Chapter 108, Harbor and Waterways, of the Code of the Town of Camden shall not exceed six feet above mean high water. In the shoreland area adjacent to the Coastal Harbor, the height shall not exceed 10 feet above mean high water.
- (2) The maximum width of the walkway of the pier in the shoreland area adjacent to the Coastal and Outer Harbor areas shall not exceed four feet. The overall width of the pier at the walkway shall not exceed six feet. Piers and wharves in the shoreland area adjacent to the Inner Harbor area shall not exceed 12 feet in width. The width of the base of the pier shall be in conformance to standard engineering practices.
- (3) Fender pilings, bollards, railings, or other accessory structures which extend above the walkway of a pier or wharf shall be limited to a height of six feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.
- (4) No pier shall be constructed within 30 feet (horizontal distance) of the point where the property line intersects the Harbor line in the shoreland area adjacent to the Coastal and Outer Harbor areas. In the Inner Harbor area, there shall be no required setback except where a business district abuts a residential district, in which case the setback shall be 10 feet from the line between the two districts.
- (5) No pier shall be built within 300 feet as measured along the shoreline from an existing or from an approved pier, wharf, or breakwater, except in the shoreland area adjacent to the Inner Harbor area of the shoreland zone where separation between piers shall not be less than 40 feet; and, except where the Harbor Business District abuts a residential district, the separation between piers shall be no less than 20 feet.

- (6) The location of the structure or the use of the facility shall not conflict with the applicable sections of Chapter 108, Harbor and Waterways, of the Code of the Town of Camden.
- (7) No structures shall be permitted on piers, wharves, or breakwaters, except temporary structures and permanent nonbuilding-type structures allowed under the regulations of that district.
- (8) No filling is permitted beyond the officially established Harbor line except in connection with construction of a municipal pier or boat ramp.

K. Consolidated piers.

- (1) Where permitted by the district regulations section of this chapter, consolidated piers shall comply with the following standards:
 - (a) Participating property owners shall have combined continuous, contiguous frontage of at least 600 feet.
 - (b) The pier shall not be constructed within 30 feet (horizontal distance along the shoreline) of the exterior property lines of the combined properties, as the pier intersects the Harbor line.
 - (c) The maximum width of the walkway of the pier shall not exceed six feet. Height of the walkway shall not exceed six feet above mean high water. In the shoreland area adjacent to the Coastal Harbor, the height shall not exceed 10 feet above mean high water.
 - (d) The width of the base of the pier shall be in conformance with standard engineering practice.
 - (e) No pier shall be constructed within 300 feet as measured along Harbor line from an existing or from an approved pier, wharf, breakwater, or other similar construction.
 - (f) Construction of a pier shall not be such as to substantially impede the public's right of passage over the shores and flats.
 - (g) Where two or more property owners combine to participate in a consolidated pier under this provision, common use easements shall be provided for the use of the pier.
 - (h) Pier rights on contributing properties shall be relinquished by the property owners in a written instrument.
 - (i) Recordable instruments or agreement on cross-easements shall be submitted with the application and certified by the applicant(s), in writing, to the Planning Board.
- (2) Procedure. In addition to those called for under the site plan review section of this chapter, the following procedures will be followed for consolidated piers:
 - (a) Application shall be made to the Code Enforcement Officer.
 - [1] Property shall be identified as for site plan review.
 - [2] Proof of ownership shall be provided.
 - [3] A copy of the written agreement between the participants shall be submitted with the application.
 - (b) The application will be referred to the Planning Board for approval under the site plan review section of this chapter. The Planning Board shall obtain input from the Harbor Committee and may solicit information from the Conservation Commission, as well as other appropriate Town officials and committees. All federal and state permits shall have been obtained prior to making the application to the Town.

L. Bulkheads.

- (1) After all applicable federal and state permits have been obtained, existing bulkheads may be repaired or replaced, providing the replacement or repair does not extend beyond the Harbor line.
- (2) New bulkheads shall be constructed in conformance with generally accepted engineering practice subject to obtaining all applicable federal and state permits. New bulkheads shall not extend beyond the Harbor line.

M. Lots and structures. All land use activities within the shoreland area, except in the Downtown Business (B-1), the River Business (B-R), the Harbor Business (B-H) and the Transitional Harbor Business (B-TH) Districts, shall conform with the space and bulk standards of the districts in which they are located or with the following standards, whichever are the stricter: **[Amended 11-9-2004; 6-20-2006; 11-14-2006; 11-10-2009; 6-15-2010; 7-14-2020]**

- (1) Minimum lot standards.

	Minimum Lot Area	Minimum Shore Frontage
Residential/Per Dwelling Unit	(square feet)	(feet)
Along tidal waters	30,000	150
Along nontidal waters	40,000	200
Governmental, institutional, commercial or industrial/ per principal structure		
Along tidal waters	40,000	200
Along nontidal waters	60,000	300
Public and private recreational facilities		
Along all waters	40,000	200

- (2) Calculating minimum lot area. Land below the normal high waterline of a water body or the upland edge of a wetland, and land beneath roads serving more than two lots, shall not be included toward calculating the minimum lot area.
- (3) Minimum width. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high waterline of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- (4) Separate tracts or parcels. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land for purposes of calculating the lot area and dimensional requirements set forth in this chapter unless such road was established by the owner of land on both sides of that road after September 22, 1971.
- (5) Multiple structures. If more than one residential dwelling unit or more than one principal, governmental, institutional, commercial or industrial structure or use is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure or use, except for dwelling units, or commercial or industrial structures located in the Downtown Business (B-1), the River Business (BR), and the Harbor Business (B-H) Districts. When determining whether dimensional requirements are met, only land area within the Shoreland Zone shall be considered. **[Amended 6-14-2022]**
- (6) Lodging facilities. In the event that lodging facilities are permitted or are permitted as a special exception in the zoning district, then any such lodging facilities located in the shoreland area of the

zoning district shall be allowable, provided that all applicable standards contained in this chapter are met, including the residential shore frontage and minimum lot size requirements for each rental unit. Lodging facilities located in the Downtown Business, Transitional River Business, River Business, and Harbor Business Districts are exempt from this provision.

- (7) Lowest floor elevation. The establishment of the lowest floor elevation or openings of all buildings and structures, and including basements, located in a shoreland area shall comply with the requirements and provisions of Chapter 92, Floodplain Management, of the Camden Code.
- (8) Ground coverage. The total footprint area of all structures, parking lots and other nonvegetated surfaces on a lot shall not exceed 20% of the lot or a portion thereof located within the shoreland area, including land area previously developed; except in the Harbor Business (B-H), the Downtown Business (B-1), and the River Business (B-R) Districts.
- (9) Stairways. Notwithstanding the requirements stated above, stairways or similar structures may be allowed, with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of four feet in width, that the structure does not extend below or over the normal high waterline of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A. § 480-C), and that the applicant demonstrates that no reasonable access alternative exists on the property.
- (10) Nearest horizontal distance: water bodies, tributary streams and wetlands. The nearest horizontal distance of all new principal and accessory structures shall be set back from the normal high waterline as follows:
 - (a) Natural resources protection: * 250 feet.
 - (b) Rural 1, Rural 2, Rural Recreation, Coastal Residential, Village Extension, and Traditional Village Districts: 75 feet.
 - (c) River Business (B-R) District: 30 feet.
 - * Except for structures, roads, parking spaces or other regulated objects specifically allowed in that district, in which case the setback requirements specified above shall apply.
 - (d) Nearest horizontal distance: great ponds. The nearest horizontal distance from the normal high waterline of a great pond classified GPA to the nearest point of all new principal and accessory structures, or substantial expansions of legally existing nonconforming buildings or structures, within the shoreland area in any zoning district shall be set back at least 100 feet, horizontal distance, from the normal high waterline.
 - (e) Nearest horizontal distance - coastal wetlands. When the nearest horizontal distance from the apparent edge of a coastal wetland to a proposed project is less than 85 feet by visual inspection, the edge of the coastal wetland shall be determined by a Maine licensed surveyor, according to the definition of "coastal wetland" in Article III.
 - (f) Coastal bluffs. Further, water and wetland setback measurements for principal structures shall be taken from the top of a coastal bluff that has been identified on coastal bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a highly unstable or unstable bluff, or where the top of the bluff is located, the applicant may at his or her own expense employ a Maine registered professional engineer, a Maine certified soil scientist, a Maine state geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may

appeal the matter to the Board of Appeals.

- (g) Substantial expansion. For purposes of this subsection, a "substantial expansion" of such a building or structure shall be an expansion which increases either the volume of floor area by 30% or more. This setback shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks, and retaining walls, nor to other functionally water-dependent uses. This subsection is not intended to prohibit a less-than-substantial expansion of a legally existing nonconforming structure, provided that the expansion does not create further nonconformity with the water setback requirement. This subsection does not apply to the setback requirements in the Harbor Business (B-H) District and in the Harbor Business District.¹⁶ An expansion of a legally existing nonconforming building or structure which is less than a substantial expansion is prohibited unless allowed by the provisions of Article VIII, § 290-8.12E(2).
 - (h) Setbacks from great ponds classified GPA. In addition, notwithstanding any other provision of this chapter, new principal and accessory structures, and substantial expansions of legally existing nonconforming buildings and structures, within the shoreland area in any zoning district shall be set back at least 100 feet, horizontal distance, from the normal high waterline of any great pond classified GPA and rivers that flow to great ponds classified GPA.
- (11) The minimum lot size in the Village and Village Extension Districts shall be 10,000 square feet, when the entire lot is at least 75 feet from the normal high-water mark and public sewer is available.
- (12) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill, provided all of the following conditions are met:
- (a) The site has been previously altered and an effective vegetative buffer does not exist;
 - (b) The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high waterline of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, is no more than 24 inches;
 - (e) Retaining walls are located outside the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, 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;
 - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high waterline of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - [1] The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch;
 - [2] Vegetation plantings must be in plantings sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

16. Editor's Note: So in original.

- [3] Only native species may be used to establish the buffer area;
- [4] A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high waterline or upland edge of a wetland;
- [5] A footpath not to exceed the standards in Article X, § 290-10.2S(2)(a), may traverse the buffer.

N. Roads, driveways, and associated drainage systems, culverts and related features. **[Amended 11-10-2009]**

- (1) Road crossings of watercourses shall be kept to the minimum number necessary.
- (2) Bottoms of culverts shall be installed at streambed elevation.
- (3) All cut or fill banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible.
- (4) Bridges or culverts of adequate size and design shall be provided for all road crossings of watercourses which are to be used when surface waters are unfrozen.
- (5) Roads and driveways.
 - (a) New roads and driveways shall be set back at least 100 feet, horizontal distance, from the normal high waterline of a great pond classified GPA or a river that flows to a great pond, classified GPA, and 75 feet, horizontal distance, from the normal high waterline of other water bodies, tributary streams, or the upland edge of a wetland, unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 50 feet, horizontal distance, upon clear showing by the applicant to the Board that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland. This subsection shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, sale excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this section except for that portion of the road or driveway necessary for direct access to the structure. On slopes greater than 20%, the road and/or driveway setback shall be increased by 10 feet, horizontal distance, for each 5% increase in slope above 20%.
 - (b) Existing public roads may be expanded within the legal road right-of-way regardless of its setback from the water body or wetland.
 - (c) New roads and driveways are prohibited in a Resource Protection District, except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District, the road and/or driveway shall be set back as far as practicable from the normal high waterline of a water body, tributary stream, or upland edge of a wetland.
 - (d) Road and driveway banks shall be no steeper than a slope of two horizontal to one vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control.

- (e) Road and driveway grades shall be no greater than 10% except for segments of less than 200 feet.
- (f) In order to prevent road and driveway surface damage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed and maintained to empty onto an unscarified buffer strip at least 50 feet, plus two times the average slope in width, between the outflow point of the ditch or culvert and the normal high waterline of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (g) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

- [1] Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (percent)	Spacing (feet)
0 to 2	250
3 to 5	200 to 135
6 to 10	100 to 80
11 to 15	80 to 60
16 to 20	60 to 45
21 +	40

- [2] Drainage dips may be used in place of ditch relief culverts only where the grade is 10% or less.
- [3] On sections having slopes greater than 10%, ditch relief culverts shall be placed at approximately a thirty-degree angle downslope from a line perpendicular to the center line of the road or driveway.
- [4] Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (h) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

O. Parking areas. [Added 11-10-2009]

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the parking district in which such areas are located except that in the B-H District, parking areas shall be set back at least 25 feet, horizontal distance, from the shoreline. The setback requirements for parking areas serving public boat launching facilities in districts other than the B-H District shall be no less than 50 feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater

runoff from flowing directly into a water body, tributary stream or wetland and, where feasible, to retain runoff on-site.

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:

(a) Typical parking space: approximately 10 feet wide and 20 feet long, except that parking spaces for a vehicle and boat trailer shall be 40 feet long.

(b) Internal travel aisles: approximately 20 feet wide.

P. Septic waste disposal. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules,¹⁷ and the following: **[Amended 11-10-2009]**

(1) Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall not extend closer than 75 feet, horizontal distance, from the normal high waterline of a water body or the upland edge of a wetland; and

(2) A holding tank is not allowed for a first-time residential use in the shoreland zone.

Q. Timber harvesting. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. § 438-B, Subdivision 5, at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A. § 438-B, Subdivision 5, Article X, § 290-10.2Q, is repealed. **[Amended 11-10-2009; 1-1-2013]**

R. The subdivision of land containing less than 750 feet of shoreline and within the 250 feet shoreland area must provide at least one right-of-way 25 feet in width to water for community use. The subdivision of 750 feet or more of shoreline must provide a fifty-foot right-of-way to water for community use for each 750 feet of shoreline. Land in the Downtown Business (B-1), the River Business (B-R), and the Harbor Business (B-H) Districts shall be exempt from this standard. **[Amended 7-14-2020]**

S. Clearing or removal of vegetation for activities other than timber harvesting. **[Amended 11-10-2009; 7-14-2020]**

(1) In a shoreland area zoned as a Natural Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high waterline, except to remove hazard trees as described in Subsection T below. Elsewhere, in any Natural Resource Protection District, the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in Subsection S(1), above, within a strip of land extending 100 feet, horizontal distance, inland from the normal high waterline of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip of land extending 75 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

(a) There shall be no cleared opening or openings greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline, provided that a cleared line of sight to the water through the buffer strip is not created.

(b) Selective cutting of trees within the buffer strip is allowed, provided that a well-distributed stand of trees and other natural vegetation is maintained.

17. Editor's Note: See 10-144 CMR Ch. 241.

- (c) In order to protect water quality and wildlife habitat, adjacent to great ponds, and streams and rivers which flow to great ponds, existing vegetation under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in this subsection.
 - (d) Pruning of tree branches on the top 2/3 of the tree is prohibited.
 - (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Subsection T below, unless existing new tree growth is present.
 - (f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Subsection S(2) above.
- (3) At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and at distances greater than 75 feet, horizontal distance, from the normal high waterline of any other water body, tributary stream, or the upland edge of a wetland, there shall be permitted on any lot, in any ten-year period, selective cutting of not more than 40% of the volume of trees four inches or more in diameter measured 4 1/2 feet above ground level. Tree removal in connection with the development of permitted uses shall be included in the 40% calculation. For purposes of these standards, "volume" may be considered to be the equivalent to basal area. In no event shall cleared openings for any purpose, including, but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate 25% of the lot area or 10,000 square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the Downtown Business (B-1), River Business (B-R), and the Harbor Business (B-H) Districts.
 - (4) Legally existing nonconforming cleared openings in existence on the effective date of this chapter may be maintained, but they shall not be enlarged, except as permitted by this chapter.
 - (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under this section.

T. Hazard trees, storm-damaged trees, and dead tree removal.

- (1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than 250 square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at 4.5 feet above the ground level. If new tree growth is not present, then replacement trees shall consist of native species and be at least four feet in height, and be no less than two inches in diameter. Stumps may not be removed.
 - (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds 40% of the volume of trees four inches or more in diameter, measured at 4.5 feet above ground level in any ten-year period, and/or results in cleared openings exceeding 25% of the lot area within the shoreland zone, or 10,000 square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at 4.5 feet above the ground level. If new tree growth is not present, then replacement trees shall consist of native

species and be at least two inches in diameter, measured at 4.5 feet above the ground level.

- (c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn area or other permanently cleared areas and stumps are not removed. For the purposes of this provision, "dead trees" are those trees that contain no foliage during the growing season.
 - (d) The Code Enforcement Officer may require the property owner submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 - (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight inches in diameter measured at 4.5 feet above the ground level.
- (2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than 250 square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - [1] The area from which storm-damaged tree is removed does not result in new lawn areas or other permanently cleared areas;
 - [2] Stumps from the storm-damaged trees may not be removed;
 - [3] Limbs damaged from a storm event may be pruned even if they extend beyond the bottom 1/3 of the tree; and
 - [4] If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every 80 square feet of lost canopy.
 - (b) Outside of the shoreline buffer, if the removal of storm-damaged trees exceeds 40% of the volume of trees four inches or more in diameter, measured at 4.5 feet above the ground level, in any ten-year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

U. Exemptions to clearing and vegetation removal requirements. The following activities are exempt from the clearing and vegetation removal standards set forth in Article X, § 290-10.2S, provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- (1) The removal of vegetation that occurs at least one every two years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this subsection. If any of these areas, due to lack of removal of vegetation every two years, reverts back to primarily woody vegetation, the requirements of Article X, § 290-10.2S, apply;
- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Article X, § 290-10.2M(10), are not applicable;
- (3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- (4) The removal of vegetation associated with allowed agricultural uses, provided best management

practices are utilized and provided all requirements of § 290-10.2B are complied with;

- (5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects, provided that the removal of vegetation is necessary for remediation activities to clean up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant to 38 M.R.S.A. § 343-E, and that is located along:
 - (a) A coastal wetland; or
 - (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A. § 465-A.
- (6) The removal of nonnative invasive vegetation species, provided the following minimum requirements are met:
 - (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least 25 feet, horizontal distance, from the shoreline, except that the wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - (b) Removal of vegetation within 25 feet, horizontal distance, from the shoreline occurs via hand tools; and
 - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of nonnative invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of nonnative invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program: http://www.maine.gov/dacf/mnap/features/invasive_plants/invasive.htm.

- (7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

V. Revegetation requirements. When revegetation is required in response to violations of the vegetation standards set forth in Article X, § 290-10.2S, to address the removal of nonnative invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements:

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the preexisting vegetation, except where shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the preexisting vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.
- (3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

- (4) Revegetation activities must meet the following requirements for tree and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must at a minimum consist of saplings;
 - (c) If more than three trees or saplings are planted, then at least three different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (e) If revegetation is required for shoreline stabilization project and it is not possible to plant trees and saplings in the same area where tree saplings were removed, then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least 80% of planted trees or saplings is required for a minimum five-year period.
- (5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three feet in height:
 - (a) All woody vegetation and vegetation under three feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three feet in height, as applicable;
 - (b) Woody vegetation and vegetation under three feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide the effective infiltration of stormwater;
 - (c) If more than three woody vegetation plants are to be planted, then at least three different species shall be planted;
 - (d) No species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five years.
- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
 - (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (b) Where necessary due to a lack of ground cover, an area must be supplemented with a minimum four-inch depth of leaf mulch and/or bark mulch to prevent erosion and provide effective infiltration of stormwater;
 - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with standards contained within this chapter for minimum of five years.

W. Stormwater runoff.

- (1) All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
- (2) Stormwater runoff systems shall be maintained as necessary to ensure proper functioning.

X. Essential services. **[Amended 11-10-2009]**

- (1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (2) The installation of essential services, other than roadside distribution lines, is not permitted in a Natural Resource Protection or Stream Protection District except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

Y. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and prepared by state-certified professionals. Certified persons may include Maine certified soil scientists, Maine registered professional engineers, Maine state certified geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon an analysis of the characteristics of the soil and surrounding land and water areas, maximum groundwater elevation, and presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist. **[Amended 11-10-2009]**

Z. Commercial and industrial uses.

- (1) The following new commercial and industrial uses are prohibited within the shoreland area adjacent to great ponds classified GPA and rivers and streams which flow to great ponds classified GPA: **[Amended 11-10-2009]**
 - (a) Auto-washing facilities.
 - (b) Auto or other vehicle service and/or repair operations, including body shops.
 - (c) Chemical and bacteriological laboratories.
 - (d) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms.
 - (e) Commercial painting, wood preserving, and furniture stripping.
 - (f) Dry-cleaning establishments.
 - (g) Electronic circuit assembly.
 - (h) Laundromats, unless connected to a sanitary sewer.
 - (i) Metal plating, finishing, or polishing.
 - (j) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas.
 - (k) Photographic processing.
 - (l) Printing.
 - (m) Indoor marijuana cultivation facilities.

- (2) For the purposes of this chapter, lobster, scallop, mussel and similar fishing activities shall not be considered a commercial activity, provided that:
 - (a) The activity involves only one boat which is less than 40 feet in length;
 - (b) The operation employs no more than two persons including the owners; and
 - (c) No wholesale or retail sales of the catch occurs on-site unless conforming to the standards of a home occupation.

AA. Water quality. No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland. **[Amended 11-10-2009]**

BB. Archaeological sites. In the event that a proposed land use activity involves structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the Maine Historic Preservation Commission list, then the permitting authority shall submit a notice of that land use activity to the Maine Historic Preservation Commission for review and comment at least 20 days prior to action by that permitting authority on the application. The permitting authority shall consider any comments received from the Commission prior to rendering a decision on the application. **[Amended 11-10-2009]**

CC. Meanings of "well-distributed stand of trees" and "other vegetation." **[Amended 11-10-2009]**

- (1) For purposes of this section of this chapter, a "well-distributed stand of trees" adjacent to a great pond classified GPA or adjacent to a river or stream flowing to a great pond classified GPA shall be defined as maintaining a rating score of 24 or more in any twenty-five-foot by fifty-foot (1,250 square feet) area as determined by the following rating system:

Diameter of Tree at 4 1/2 Feet Above Ground Level	
(inches)	Points
2 to < 4	1
4 to <8	2
8 <12	4
12 or greater	8

- (2) Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 16 per twenty-five-foot by fifty-foot rectangular area.
- (3) Note: As an example, adjacent to a great pond, if a twenty-five-foot by fifty-foot plot contains four trees between two inches and four inches in diameter, two trees between four inches and eight inches in diameter, three trees between eight inches and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

- (4) Thus, the twenty-five-foot by fifty-foot plot contains trees worth 36 points. Trees totaling 12 points (36—24 = 12) may be removed from the plot, provided that no cleared openings are created.

- (5) The following shall govern in applying this point system:

- (a) The twenty-five-foot by fifty-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

- (b) Each successive plot must be adjacent to, but not overlap, a previous plot;
 - (c) Any plot not containing the required points must have no vegetation removed down to the minimum points required or as otherwise allowed by this chapter;
 - (d) Where conditions permit, no more than 50% of the points on any twenty-five-foot by fifty-foot rectangular area may consist of trees greater than 12 inches in diameter.
- (6) For purposes of this section of this chapter, "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at 4 1/2 feet above ground level for each twenty-five-foot by fifty-foot rectangular area. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until five saplings have been recruited into the plot.
 - (7) Notwithstanding the foregoing definition, no more than 40% of the total volume of the trees four inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten-year period.

§ 290-10.3. High-elevation areas.

- A. Applicability. This section applies to lands more than 500 feet above mean sea level, as shown on the High-elevation areas Map located in the Code Enforcement office. Land uses in high-elevation areas shall be limited to residential, agricultural, forest management, and nonintensive recreational activities, except that within the Rural Recreation District, ski trails and related facilities also shall be allowed.
- B. Special space and bulk standards.
 - (1) Notwithstanding the requirements of Article VIII, District Regulations, and Article IX, Open Space Zoning, lots wholly in high-elevation areas shall not be clustered in the pattern of open space residential development.
 - (2) For lots wholly within the high-elevation area, the minimum lot size in the Rural-1 District shall be seven acres, with a maximum residential density of one unit per seven acres; and the minimum lot size in the Rural-2 District shall be four acres, with a maximum residential density of one unit per four acres. Elsewhere, the minimum lot size shall be three acres, with a maximum residential density of one unit per three acres.
 - (3) Maximum ground coverage of that portion of the lot in a high-elevation area shall be 5%.
- C. Special performance standards.
 - (1) In addition to all other applicable performance standards in this chapter, the following special performance standards shall apply in high-elevation areas in all districts except the Rural Recreation District:
 - (2) Except as provided in Subsection C(3) and (4) below, existing vegetation shall be retained as a natural visual screen between structures located more than 500 feet above mean sea level and public roadways below this level.
 - (3) Existing vegetation may be removed to allow driveway access, not to exceed 20 feet in width, to structures.
 - (4) Tree cutting for noncommercial or forest management purposes is permitted, provided that no more than 40% of existing trees five or more inches in diameter, measured two feet above the ground, are removed from any contiguous stand or grouping of trees. In no case shall the area of continuous clearing exceed 7,500 square feet.
 - (5) No development, tree cutting, or clearing of land shall be allowed on slopes which are in excess of 25%

in their natural state. Roads, driveways, or other accessways shall not be constructed on slopes which are in excess of 25% in their natural state, either in high-elevation areas or en route to high-elevation areas.

- (6) The highest point of any structure in a high-elevation area within 1,000 feet of any segment of a ridgeline shown on the High Elevation Map on file in the Town office shall be at least 10 feet below the elevation of said segment. If the site is wooded, the height of the structure shall not exceed 75% of the average height of the tree canopy within a 100-foot radius of the proposed building site.
- (7) Any structure built in a high-elevation area shall be finished with materials and colors that blend into the natural setting so as to minimize visual impacts.

§ 290-10.4. Historic areas.

- A. Applicability. This section applies to lots designated as historic and so identified on the Historic Areas Overlay Map in the Code Enforcement office. In general, these areas shall consist of properties listed on the National Register of Historic Places.
- B. Special performance standards. In addition to all other applicable performance standards in this chapter, all projects proposed by the Town or by the state or federal governments that affect properties within the designated historic areas shall be reviewed for the Selectmen by the Historic Resources Committee, and no such project shall proceed without the authorization of the Selectmen. The Committee shall evaluate the impact of such projects, using the current edition of the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

ARTICLE XA
Performance Standards Generally

§ 290-10A.1. Performance standards generally.

Article XA contains performance standards applicable generally in the Town. The performance standards contained in this article shall apply to all uses and activities in the Town, unless otherwise specified, whether or not specific approval or a permit is required.

§ 290-10A.2. Environmental.

A. Sewage disposal. Any use which relies on the soils for treatment of wastewater shall comply with the requirements of the Maine State Plumbing Code. The discharge of wastewater other than to soils shall be to the public sewer system in compliance with Chapter 224, Sewers, or to another system in compliance with the regulations of the Maine Department of Environmental Protection.

B. Soils and earthmoving.

(1) Erosion control. **[Amended 6-14-2022]**

(a) Purpose. The Town of Camden seeks to ensure the protection of the Town's unique water resources. The proposed amendment codifies into this chapter the state law that applies to all soil disturbances. The amendment requires the installation of erosion control measures and the use of the Maine Department of Environmental Protection's Erosion and Sedimentation Control Best Management Practices to avoid unreasonable erosion and sedimentation into the Town's water resources.

[1] No person shall perform any act or use of the land in a manner which could cause substantial or avoidable erosion or significantly alter existing patterns of natural water flow in the Town.

[2] Any person who conducts, or causes to be conducted, an activity, whether or not a building permit or other local permit is required, that involves filling, displacing, or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into any portion of a stormwater conveyance system or into a protected natural resource as defined in 38 M.R.S.A. § 480-B.

[3] Erosion control measures must be in place before the activity begins. Adequate and timely temporary or permanent stabilization measures must be taken, and the site must be maintained to prevent unreasonable erosion and sedimentation.

[4] The Maine Department of Environmental Protection-published Maine erosion and sediment control best management practices manuals "Maine Erosion and Sediment Control Practices Field Guide for Contractors" (2014), and "Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers" (2016), as the same may be amended from time to time, are hereby adopted and incorporated by reference herein as the minimum standards for erosion and sedimentation control to be utilized in conjunction with all soil disturbances.

(2) Excavation and extraction of minerals.

(a) Any excavation or filling of land or extraction of minerals causing the removal or filling of earth in volumes exceeding 100 cubic yards in a period of one year shall require an excavation permit from the Code Enforcement Officer. If the excavation or filling affects an area greater than 10,000 square feet within a five-year period, site plan review also shall be required.

(b) Standards for granting of a permit for extraction of minerals or excavation or filling of land are as

follows:

- [1] The activity will not create a condition adversely affecting the natural drainage of the land;
 - [2] No excavation shall be extended below the grade of adjacent streets unless 100 feet from the street line or unless provision has been made for reconstruction of the street at a different level;
 - [3] Sufficient topsoil or loam shall be retained to cover all excavated areas, so that they may be seeded and restored to natural conditions;
 - [4] No topsoil shall be removed, except for approved construction and landscaping, from lands which, due to their soil characteristics, are identified as prime farmland.
- (c) The excavation or filling of earth for driveways, septic systems, or foundations in connection with projects that also require a building permit are excluded from the requirement of obtaining an excavation permit from the Code Enforcement Officer.

C. Stormwater drainage.

- (1) Stormwater drainage systems shall be designed to minimize the volume and rate of outflow from the development.
- (2) Design, construction, and maintenance of drainage facilities shall accommodate, at a minimum, a twenty-five-year storm frequency of two-hour duration.

- D. Dust, fumes, vapors, and gases. Emission of dust, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall comply with applicable federal and state regulations.
- E. Odors. No land use shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.
- F. Glare. No land use shall be permitted to produce a stray, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any public way so as to impair the vision of the driver of any vehicle upon that way.
- G. Wetlands. The Code Enforcement Officer may require a certified wetlands plan, performed by a qualified soils scientist at the expense of the applicant, for a building or use permit, to be submitted for any activity which takes place on a lot containing a wetlands.

§ 290-10A.3. Keeping of animals. [Amended 6-17-2009]

- A. Two and one-half acres or more. Animals incidental to residential activities may be kept; provided, however, that animals such as horses, cattle, goats, sheep, llamas, pigs, turkeys, ducks, roosters or more than a total of nine hens and/or rabbits shall not be kept on a premise having a lot area less than 2 1/2 acres, and shall be kept no closer than 50 feet to any property line.
- B. Less than 2 1/2 acres. No more than nine small animals such as hens and/or rabbits may be kept incidental to residential activities, provided the animals are kept as pets or for personal use only. Slaughtering and the sale of meat, eggs or fertilizer for commercial purposes is prohibited. At all times, animals shall be contained in housing and pens which shall meet a minimum setback requirement of 15 feet and shall not be located in a front yard area.

§ 290-10A.4. Screening and landscaping.

A. General standards.

- (1) For the purpose of this chapter, a "canopy tree" is a tree that reaches at least 35 feet in height at maturity. Canopy trees are used to help create identity and establish the character of an area, to help define large spaces, and to provide shade in the hotter months of the year. An evergreen tree is at least 35 feet at maturity. Evergreen trees are used to create year-round interest with their dominant forms and color, to screen or direct views, act as windbreaks, and to provide a backdrop for other elements of a site. An understory tree reaches 10 feet to 35 feet at maturity. Understory trees are used to provide eye-level landscaping features, to define minor spaces, and to provide a variety of form, color and accents to a site. Shrubs have mature heights of two feet to 10 feet. They are used to form physical and visual barriers, add seasonal interest and color, and help define the scale and location of buildings.
- (2) The plant materials defined in Subsection A(1) shall meet the following minimum size standards at time of installation, with calipers measured at dbh (diameter at breast height):
 - (a) Canopy trees: 1 1/2 inches caliper.
 - (b) Evergreen trees: four feet height.
 - (c) Understory trees: 1 1/2 inches caliper.
 - (d) Shrubs: 18 inches height.
- (3) Plants required by this section that die shall be replaced within one growing season.

B. Parking areas.

- (1) Interior landscaping.
 - (a) In addition to required perimeter landscaping, at least 5% of the gross area of all parking lots with 12 or more parking spaces shall be landscaped. Parking lots and parking garages in B-1 and B-H shall be exempt from this requirement. **[Amended 7-14-2020]**
 - (b) The required interior landscaping shall include a minimum of one canopy tree, one understory tree, and five shrubs for every 12 parking spaces or fraction thereof. For every mature canopy tree that exists on the proposed site of a parking lot prior to the parking lot's development and that is retained and integrated into the parking lot's design, the number of required new canopy and/or understory trees may be reduced by two. If any such retained tree dies within five years of the date of the building permit issued for the development, it shall be replaced with two canopy trees meeting the standard of this chapter.
 - (c) The landscaping shall be:
 - [1] In planting areas at least 10 feet wide and located to demarcate the ends of parking rows and to channel pedestrian circulation;
 - [2] Located to break up parking areas into smaller areas of no more than 50 parking spaces each; and
 - [3] Designed to accommodate snow plowing and storage without damage to the plants and trees.
- (2) Perimeter landscaping.
 - (a) Abutting a public right-of-way. Where a parking area that includes five or more parking spaces abuts a public right-of-way, a continuous landscaped strip shall be established between the right-of-way boundary line and the parking area and shall be maintained in good condition. It shall be at least six feet wide and may be interrupted only by a driveway meeting the standards of this chapter.

It shall be planted with at least one canopy tree per 35 linear feet of street frontage or fraction thereof, exclusive of the width of the driveway. The plantings shall be designed and located so as not to interfere with sight distance along the right-of-way and traffic safety.

- (b) A parking facility or a parking area serving a nonresidential use abutting a residential district or lot in residential use. Where a parking facility or a parking area serving a nonresidential use abuts a residential district or a lot wholly or partially in residential use, a continuous landscaped buffer at least 10 feet wide shall be provided and maintained in good condition. The buffer may be interrupted only by a single pedestrian pathway at each abutting property line no more than five feet wide. The landscaped strip shall include, for each 100 feet of length, a minimum of two canopy or evergreen trees, four understory trees, and six shrubs. For every mature canopy or evergreen tree existing in the area prior to construction of the parking lot and preserved within the buffer area, the required number of new trees may be reduced by two. If any such retained tree dies within five years of the date of the building permit issued for the development, it shall be replaced with two canopy trees meeting the standard of this chapter.

- (c) A commercial parking garage above street level shall be exempt from any perimeter landscaping.

C. Multifamily, congregate housing, and nonresidential uses abutting residential uses or districts.

- (1) The required side and back yards of nonresidential uses that abut properties in residential district, or of multifamily or congregate uses that abut properties in single-family residential use, shall be retained in their natural vegetated state to the maximum extent possible to provide a visual screen between uses.
- (2) Where natural buffering does not exist, or is not possible to be retained, or is not sufficient to achieve an effective visual screen, the required side and back yards shall be landscaped to provide a visual screen between uses. The buffer shall be a minimum of six feet wide and may be interrupted only by a single pedestrian pathway at each abutting property line no more than five feet wide. The buffer shall include, for each 100 feet of length, a minimum of two canopy or evergreen trees, four understory trees, and six shrubs. For every mature canopy or evergreen tree existing area prior to the development and retained within the buffer area, the required number of new trees may be reduced by two. If any such retained tree dies within five years of the date of the building permit issued for the development, it shall be replaced with two canopy trees meeting the standard of this chapter.

D. Front yards of multifamily, congregate, and nonresidential uses. The required front yards of multifamily, congregate, and nonresidential uses shall be maintained in a landscaped condition.

E. Exposed areas and areas for commercial outdoor storage of boats. Exposed storage areas, areas for commercial outdoor storage of boats, exposed machinery installation, sand and gravel extraction operations, and areas for the storage or collection of discarded or uninspected vehicles, auto parts, metal or any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on surrounding properties. At a minimum, the screening shall include a dense evergreen hedge six feet or more in height. All such plantings shall be maintained as an effective visual screen. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and be maintained in good condition.

F. Low-impact uses. The perimeters of parking lots on the sites of low impact uses, as required by Article XA, § 10A.4, shall be landscaped to the same standards established for other parking lots, as set forth in this section.

§ 290-10A.5. Off-street parking and loading standards.

- A. Off-street parking and loading shall be provided in accordance with the requirements of Subsections B and C for each project requiring a permit under Article V, § 290-5.2A or B, of this chapter (except as excluded from that requirement by Article V, § 290-5.3), and by amendments exempting the B-1 and B-TH Districts from

certain parking requirements below that were approved on November 2, 2021. **[Amended 11-2-2021]**

B. Off-street parking shall be provided and maintained in accordance with the following schedule:

(1) Dwelling units. **[Amended 11-6-2018; 11-2-2021]**

- (a) Single-family dwelling units, including mobile homes, but excluding accessory apartments: Two spaces per unit, except for those in the B-1 and B-TH, which are exempt from off-street parking requirements.
- (b) Accessory apartments: one space per unit, except for those in the B-1 and B-TH, which are exempt from off-street parking requirements.
- (c) Congregate housing: one space for every two units.

(2) General business uses, except for those in the B-1 and B-TH, which are exempt from off-street parking requirements: **[Amended 7-14-2020; 11-2-2021]**

(a) The following shall require one space per 150 square feet of floor area:

[1] Medical offices.

(b) The following shall require one space per 250 square feet of floor area:

[1] Retail establishments.

[2] Business and professional offices.

[3] Personal service establishments and banks.

[4] Sports and fitness centers.

(c) The following shall require one space per 500 square feet of floor area:

[1] Industrial, manufacturing, and warehousing uses.

(d) Multifamily: two spaces per dwelling unit in districts where the use is permitted.

(3) Lodgings. **[Amended 11-2-2021]**

(a) Motels and hotels: one space for each room offered for rent, plus three spaces.

(b) Inns: one space for each room offered for rent, plus two spaces for each dwelling unit.

(c) Rooming houses except for those in the B-1 and B-TH, which are exempt from off-street parking requirements: one space for each room offered for rent, plus two spaces for each dwelling unit.

(4) Restaurants, bars and lounges except for those in the B-1 and B-TH, which are exempt from off-street parking requirements: one space for every four seats and one space for every eight linear feet of bench space. **[Amended 11-6-2018; 11-2-2021]**

(5) Schools.

(a) Commercial schools: one space for each three students, based on the maximum number of students attending the school at any one period in the day.

(b) Day-care centers and nursery schools: one space for each six children, based on the maximum number of children attending the facility at any one period in the day.

(c) Public and private schools providing instruction for students up to and including those 15 years of

age: one space for each room used for purposes of instruction.

- (d) Public and private schools providing instruction for students 16 years of age and over: one space for each 10 seats used for instruction or, if no fixed seats, one parking space for each 100 square feet used for purposes of instruction.

- (6) Medical care facilities, excluding medical offices (see general business uses):

- (a) Hospitals: one space for each two beds.
 - (b) Nursing and convalescent homes: one space for each four beds.

- (7) Places of public assembly, theaters, halls: one space for each four seats if fixed seating is provided; otherwise, one space for each 100 square feet of area available for assembly.

- (8) Churches: one space for each four seats in principal assembly room; no additional parking spaces shall be required for other types of rooms, spaces, or uses.

- (9) Campgrounds: one space, plus one space for each site available for occupancy.

- C. Where a proposed use cannot be reasonably fit into one of the above categories, the Planning Board shall prescribe the required number of off-street parking spaces based on projected use of and volume of traffic to the proposed facility.

- (1) In computing the required off-street parking, the following rules shall apply: **[Amended 11-2-2021]**

- (a) The floor area used to determine the off-street parking requirement shall be the sum on the floors of the net floor area as defined in Article III.
 - (b) If the number of parking spaces required is not a whole number, the partial space shall be counted as a whole space if the fraction is 1/2 or greater (e.g., 13.5 = 14 spaces; 13.4 = 13 spaces).
 - (c) For buildings with two or more uses, the parking requirement shall apply to each use and the parking requirement for the building shall be the sum of the requirements for the individual uses.
 - (d) In the case of an expansion of an existing building or structure, the required number of new spaces shall be the number of spaces required for the addition itself. The new spaces for the addition shall not be required to make up any deficit that may attend the original building or structure, if such building or structure was in lawful existence at the time of adoption of this chapter.
 - (e) In the case of a change of use, the required number of spaces shall be the number of spaces required for the new use, except in the B-1 and B-TH Districts. In the B-1 and B-TH Districts, the required number of spaces shall be the number of spaces required for the new use itself minus the number of spaces which were required for the original use, whether or not such original use, if in lawful existence at the time of adoption of this chapter, actually provided its required number of spaces. Vacant or abandoned buildings or spaces, for which the original use cannot be determined, shall be deemed to have required one space per 350 square feet of gross floor area.

- (2) In no case shall the number, dimensions, location, or layout of off-street parking spaces or areas as authorized by a building permit or pursuant to a plan approved by the Planning Board or the Zoning Board of Appeals be altered without prior approval of the permit granting authority.

- (3) Off-street parking spaces used in the fulfillment of the requirements of this section shall be available for use at all times and shall not be obstructed by trash receptacles, snow, leaves, or other debris, accessory structures or activities, or other obstacles that will prevent their use for off-street parking.

- (4) No off-street parking area presently in conformance with this section shall be made nonconforming as

to number, dimensions, location, or layout of spaces; and no off-street parking area that is presently lawfully nonconforming with respect to number, dimensions, location, or layout of spaces shall be altered such that the nonconformity is worsened.

D. Methods of meeting parking requirements.

- (1) Off-street parking shall be provided by means of covered or uncovered spaces.
- (2) The location of off-street parking shall be in a parking facility located within 1,000 feet of the principal use measured along lines of public roads.
- (3) The location of the required off-street parking shall conform to one or a combination of the following methods:
 - (a) The spaces are located on the same lot as the principal building or use; or
 - (b) The spaces are located on a different lot than the principal building or use and the lot is held in the same ownership as the principal lot and an affidavit by the owner establishing the ownership as of the date of submission is submitted to the Code Enforcement Officer; or
 - (c) The spaces are located on a different lot under different ownership and the spaces are leased to the principal use pursuant to Subsection D(4), Terms of agreements and leases, of this section; or
 - (d) The spaces are located in a parking lot serving another use and:
 - [1] The spaces are leased to the principal use pursuant to Subsection D(4) of this section; and
 - [2] The owner of the principal use who supplies the spaces conforms with the minimum parking requirement of this chapter, after deducting spaces leased to a second or alternate use; or
 - [3] The Zoning Board of Appeals has approved the joint use of the parking spaces by two or more principal buildings or uses based upon a finding that the parking facility will substantially meet the intent of the parking regulations for each use by reason of variation in probable time of maximum use by patrons or employees among the various establishments, and
 - [4] Evidence of agreement between the parties jointly using the parking lot is submitted to the Code Enforcement Officer.
 - (e) Upon application to the Zoning Board of Appeals, the off-street parking requirement shall be waived for uses located in the Downtown, Harbor Business District and Transitional Harbor Business District if one of the following conditions has been met:
 - [1] In the event that a special parking district is created pursuant to the laws of the State of Maine and approved by the Town, offering cooperative solutions to the need for off-street parking, and the property is a participant in the district and the Code Enforcement Officer finds that the property is in full compliance with the rules and regulations pertaining thereto; or
 - [2] The Code Enforcement Officer finds that the property is a participant in the Parking Trust Fund through the payment of a one-time fee; however, Zoning Board approval is not required for participants making annual payments to the Parking Trust Fund; or **[Amended 6-15-2010]**
 - [3] A private or public system is established for satellite off-street parking lots, a shuttle service or park-and-ride program, or similar program by which customers and employees may park their vehicles outside of the Downtown and Harbor areas and be brought into the area by common transportation, and the Code Enforcement Officer finds that the use is a participant

in such a system for as long as the use for which the parking is required is in place. To qualify as meeting the terms of this chapter, the satellite lot or lots and shuttle service must be available to the use for the same hours, days, and months as the use is open for public business.

[a] If the satellite lot or lots and shuttle service are in the same ownership as, and are operated by, the owner or operator of the use in question, evidence of such ownership or operation in the form of an affidavit shall be submitted annually to the Code Enforcement Officer on the anniversary of the building permit for which the parking spaces are required. If the satellite lot or lots or the shuttle service are in the ownership or control of another party, all leases and agreements for their use shall be for a term of not less than five years; and no lapse, termination, or expiration of such leases and agreements shall create a lawful nonconforming situation; and evidence that such leases and agreements are in force shall be submitted annually to the Code Enforcement Officer on the anniversary of the building permit authorizing use of the satellite lot or lots and shuttle service. In no case shall the lapse of ownership pertaining to the satellite lot or lots or lapse of a shuttle or similar service create a lawful nonconforming situation.

[b] In its review of an application for a waiver on account of participation on a satellite lot or lots and shuttle or similar service, the Zoning Board of Appeals may attach such conditions as it deems necessary to ensure that off-street parking is being provided and that the intent of this chapter is being met. The conditions may address areas, such as, without limitation, a program to inform patrons of the availability of the satellite lot, provision of a safe drop-off point near the applicant's place of business or use, and the location of the satellite lot to be used.

(4) Terms of agreements and leases. Wherever a lease of parking spaces is used to meet the requirements of this section, the lessee of the spaces shall obtain a lease having a term of no less than one year, and in no case shall the lapse, termination, or expiration of the lease create a lawful nonconforming situation. The lease shall stipulate that the parking spaces will be in the continuous possession of the lessee and for the lessee's exclusive use, unless shared use of the parking spaces is otherwise authorized pursuant to Subsection D(3)(d)[3] and [4] of this section.

(5) Evidence of compliance with parking requirements.

(a) The lease, agreement, or affidavit of ownership relating to use of a lot for parking other than the lot on which the principal building or use is located shall be submitted to the Code Enforcement Officer annually on the anniversary of the building permit authorizing the use for which the parking spaces are required, or upon the anniversary of any change of use, as evidence that the lease and/or agreement is in force and that the terms of this section are continuing to be met. Failure to submit such evidence shall be a violation of this chapter (see Article V, § 290-5.6, Violations and penalties).

(b) In addition to the requirements of Article XA, § 290-10A.5D(4), the lease relating to use of a lot for parking shall contain a provision requiring that the owner of the parking facility (lessor) shall submit to the lessee an annual list showing the number of leased spaces, the names of all lessees, the expiration date of the leases, and the number of spaces available for lease, as evidence that the lease and/or agreement is in force and that the terms of this section are continuing to be met. Failure of the lessee to obtain such a list from the owner (lessor) and to submit that evidence to the Code Enforcement Officer by July 1 of each year shall cause the lessee to be in violation of this chapter (See Article V, § 290-5.6, Violations and penalties).

E. Parking facility layout and design.

- (1) No parking space shall be located in a buffer zone or landscaped area required by this chapter. Roadways and drives shall be permitted to cross buffer zones and required landscaped areas only to provide access to parking areas. Such crossings shall follow the shortest practical route between the property line and the parking area. Internal circulation within a parking area shall not be located within a buffer zone or required landscaping area.
 - (2) The following design standards shall apply to all parking areas for five or more vehicles:
 - (a) Access drives and aisles shall be laid out to provide clear and orderly traffic flow. The minimum width of each aisle between parking stalls shall be 13 feet for angle parking of 45° or less, 18 feet when spaces are angled from 45° to 60°, and 24 feet when spaces are angled 60° to 90° from the aisle direction.
 - (b) Appropriate driveways from streets or alleys shall be provided. Multifamily residential and congregate housing uses shall be served by driveways no less than 10 feet wide nor more than 25 feet wide, and no such driveway shall be located within 100 feet of the center of an intersection of two roads used by the public. Commercial and industrial uses shall be served by driveways no less than 15 feet wide nor more than 40 feet wide, and no such driveway shall be located within 100 feet of the center of an intersection of two roads used by the public. Where appropriate, a separation island may be placed in a driveway and the maximum width increased by the width of the island. Lots with less than 150 feet of frontage shall be limited to one driveway for access, while lots with 150 feet or more of frontage shall have not more than two.
 - (c) Parking spaces for residential uses shall be 17 feet long and eight feet six inches wide.
 - (d) Parking spaces for nonresidential uses shall be 17 feet long and eight feet six inches wide; provided, however, that in lots with more than 20 spaces, not more than 20% of the spaces may be reserved for small cars and these parking spaces reduced to 16 feet long and eight feet wide.
 - (e) Parking spaces for industrial, warehouse and similar uses shall be at least 17 feet long and eight feet six inches wide. Motorcycle parking spaces at least 10 feet long and five feet wide may be substituted for not more than 10% of the required parking.
 - (f) The parking area shall include screening and landscaping in conformance with Article X, § 290-10A.4.
 - (g) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subbase consisting of at least 10 inches of well compacted gravel topped with a wearing surface at least equivalent in qualities of compaction and durability to fine gravel.
 - (3) In the case of an existing unmarked parking lot, instead of following standards of Subsection E(2) above, the capacity of the existing parking lot may be determined by deducting the required buffer zone space from the total area available and dividing the resulting square footage by 300 square feet, calculations to be submitted to the Code Enforcement Officer and approved before spaces may be leased for off-premise parking requirements.
- F. Off-street loading standards. Retail, wholesale, and industrial operations with a gross floor area of more than 5,000 square feet shall provide one loading bay, with a minimum dimension of 14 feet by 50 feet, for each 60,000 square feet of floor area or fraction thereof. Any required bay or bays shall be in addition to the required off-street parking.
- G. Corner clearance. For the purposes of traffic safety, no building or structure may be erected nor any vegetation other than canopy trees maintained above a height of three feet within the triangle formed by the point of intersection of the center line of two intersecting roads and the two points located on the center line of the roads 40 feet from the point of intersection.

§ 290-10A.6. Lots.

- A. Corner lots. Corner lots shall conform to the front yard requirements on each street and the side yard requirements between structures and the adjoining property on each street.
- B. Front yard averaging. The prescribed front setback may be lessened without a variance at the option of the property owner to conform with the average setback of existing buildings located in the same zoning district on immediately adjacent lots.

§ 290-10A.7. Fences.

Fences located within a required front, back or side setback area shall not exceed six feet in height.

§ 290-10A.8. Home occupations.

- A. The occupation or profession shall be carried on wholly within the principal building(s) and/or within building(s) or other structure(s) accessory thereto.
- B. There shall be not more than one full-time or two part-time employees not resident in the place of business. This limitation on number of employees shall extend to all nonfamily employees working on the premises but shall not extend to employees who do not work on the premises. Any employee working 30 hours or more in a week shall be considered full-time.
- C. There shall be no exterior storage of materials, no exterior display or other exterior indications of the home occupation other than signs as allowed in Article XI, § 290-11.11B, that shall contain no more than the name and business of the proprietor. There shall be no other variation from the residential character of the principal building.
- D. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated. In furtherance of the standard, no commercial or industrial machinery, ovens or other equipment normally associated with a commercial- or industrial-scale facility shall be used by a home occupation to process goods, materials, or foods.
- E. A home occupation located in a Rural-1, Rural-2, Coastal Residential, Village Extension, or Traditional Village District shall not be permitted if it would generate more than a daily average of 10 vehicular trip ends on weekdays, based on data contained in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers, or if it in fact generates more than an average of 10 trip ends per day in any seven-day period; nor shall the home occupation make or receive shipments in trucks more than three times in a seven-day period.
- F. The home occupation shall not require, nor shall it provide, more than two off-street parking spaces in addition to the off-street parking spaces provided to meet the normal requirements of the dwelling. The number of spaces required shall be based on the standards contained in § 290-10A.4 of this article or, if the type of use cannot be classified as one of the uses listed in § 290-10A.4, the number may be based on the average rates per 1,000 square feet of building area for peak parking spaces occupied as identified in the latest edition of "Parking Generation," published by the Institute of Transportation Engineers.
- G. The home occupation shall not utilize more than 50% of the total floor area of the dwelling unit, plus accessory structure(s).
- H. The home occupation shall include the retailing only of items actually produced on the premises and of other items clearly incidental thereto.
- I. Where more than one home occupation is carried on in a dwelling and/or its accessory structure(s), the standards contained herein relating to number of employees, signs and exterior appearance, traffic generated, and the percentage of floor space used shall apply cumulatively, such that all home occupations taken together

shall not exceed the standards for one home occupation.

§ 290-10A.9. Approval of State Fire Marshal.

All businesses and all multifamily dwellings which contain two or more floors shall conform with state law requirements concerning approval by the State Fire Marshal.

§ 290-10A.10. Mobile home parks.

All mobile home parks shall conform to the standards set forth in this section of Article XA. Mobile home parks are also subject to the requirements of Chapter 235, Subdivision of Land, of the Code of the Town of Camden and other applicable state laws, local ordinances and regulations. Notwithstanding the definition of "lot" to the contrary, the use of the term "mobile home park lot" refers to the leased area on which a mobile home is located.

- A. Placement of units on lots. Within a licensed mobile home park which has been approved by the Planning Board in accordance with Chapter 235, Subdivision of Land, of the Code of the Town of Camden, units of manufactured housing or older mobile homes shall be placed upon mobile home park lots. Each lot shall be occupied by only one unit of manufactured housing or by one older mobile home. Each such unit of housing shall be placed on a pad.
- B. Lot requirements.
 - (1) Notwithstanding the minimum lot area requirements of Article VIII of this chapter, mobile home park lots in a mobile home park shall meet the following lot area and lot width requirements:
 - (a) Lots served by individual subsurface wastewater disposal systems:
 - [1] Minimum lot area: 20,000 square feet.
 - [2] Minimum lot width: 100 feet.
 - (b) Lots served by one or more centralized subsurface wastewater disposal systems serving two or more dwelling units and approved by the Maine Department of Human Services:
 - [1] Minimum lot area: 12,000 square feet.
 - [2] Minimum lot width: 75 feet.
 - (c) Lots served by a public sewer system:
 - [1] Minimum lot area: 6,500 square feet.
 - [2] Minimum lot width: 50 feet.
 - (2) Mobile home park lots located within any designated shoreland area shall meet the lot area, lot width and shore frontage requirements of the zoning district in which that lot is located, or the requirements for the shoreland area pursuant to Article X, § 290-10.2M, whichever are stricter.
- C. Overall density. Notwithstanding the lot requirements set forth above, the overall density of any mobile home park served by a central, on-site, subsurface wastewater disposal system approved by the Maine Department of Human Services shall not exceed one dwelling unit for each 20,000 square feet.
- D. Setbacks.
 - (1) On lots which abut a public way, either within the park or adjacent to the park, the individual manufactured housing unit or older mobile home unit shall be placed upon those lots in such a manner that the individual unit is set back from the public way according to the setback requirements applicable to other residential developments in the zoning district in which the mobile home lot is located.

- (2) On lots which are located in a shoreland area, the individual units shall be placed upon the lots in such a manner that the setback requirements, measured from the normal high-water mark required in that zoning district, are met.
- (3) Individual units shall be so located on individual mobile home park lots that all parts of the structure of the individual unit are a minimum of 15 feet from all boundary lines of the individual lot, and a minimum of 30 feet from any other unit; subject to the provision that such setbacks do not have the effect of requiring lots larger than the minimum lot areas set forth in Subsection B of this section. Where a mobile home was lawfully placed on a lot prior to the date of adoption of this chapter such that it does not meet these setbacks, it may be replaced by another mobile home in the same location on the lot, as long as the nonconforming aspect of the original placement is not worsened.

E. Buffer requirements.

- (1) If a mobile home park is proposed within a residential district at a density which is at least twice the density of existing adjacent development, or at least twice the density permitted in the zoning district in which the mobile home park is proposed to be located in the event that the adjacent land is undeveloped, the mobile home park shall be designed with a fifty-foot-wide buffer strip along the perimeter boundary lines of that property. The buffer strip shall be maintained as a landscaped area containing no structures. Roads may cross the buffer strip to provide access to the park and to provide access to utilities.
- (2) Within the first 25 feet of the buffer strip, as measured from the exterior boundaries of the park, the buffer strip shall be improved and maintained in accordance with Article XA, § 290-10A.4C, Multifamily, congregate housing, and nonresidential uses abutting residential uses or districts, of this chapter.

F. Open space reservation. For a mobile home park served by a public sewer system, an area equaling 10% of the combined area of the individual lots within the mobile home park shall be set aside and reserved as open space to meet the recreational and community needs of the residents of the mobile home park. The area reserved as open space shall be suitable for use by residents for recreational purposes, or for use by residents for storage. In addition, the area reserved for open space may be used for those uses specifically set forth in Article IX, § 290-9.5C, of this chapter. The reserved open space shall have slopes of less than 5%, shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the mobile home park.

G. Road standards. The layout, design and construction of roads within the park shall conform to the following standards:

- (1) The road system shall be designed to provide safe and convenient access to all lots within the park and shall provide for all-season emergency vehicle access to every unit in the park.
- (2) Roads within a mobile home park which the applicant proposes to dedicate as public ways shall be designed and constructed in accordance with the Article VI, Section 3, Design and Construction Standards, of the Subdivision Ordinance.¹⁸
- (3) Roads within a mobile home park which the applicant proposes to remain private ways shall meet the following minimum standards:
 - (a) The roads shall be designed by a professional engineer registered in the State of Maine.
 - (b) The roads shall have a minimum right-of-way of 23 feet.
 - (c) The roads shall have a paved travel surface with a minimum width of 20 feet.

- (d) The construction of these roads shall meet the standards of the Manufactured Housing Board.
- (4) The roads and lots shall be laid out so that no lot within the park shall have direct vehicular access onto a public street.
- (5) Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.
- (6) The intersection of any street within a park and an existing public street shall meet the following standards:
 - (a) Angle of intersection. The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 75°.
 - (b) Maximum grade within 100 feet of intersection. The maximum permissible grade within 100 feet of the intersection shall be 3%.
 - (c) Minimum sight distance. A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of object 4 1/2 feet.
 - (d) Distance from other intersections. The center line of any street within a park intersecting an existing public street shall be no less than 125 feet from the center line of any other street intersecting that public street.
- (7) Any application for approval of a mobile home park shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, current edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis by a registered professional engineer with experience in transportation engineering.

H. Groundwater impacts.

- (1) Assessment submitted. Accompanying an application for approval of any mobile home park which is not served by public sewer shall be an analysis of the impacts of the proposed mobile home park on groundwater quality. The hydrogeologic assessment shall be prepared by a certified geologist or registered professional engineer experienced in hydrogeology and shall contain at least the following information:
 - (a) A map showing the basic soils types.
 - (b) The depth to the water table at representative points throughout the mobile home park.
 - (c) Drainage conditions throughout the mobile home park.
 - (d) Data on the existing groundwater quality, either from test wells in the mobile home park or from existing wells on neighboring properties.
 - (e) An analysis and evaluation of the effect of the mobile home park on groundwater resources. The evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a land or pond, projections of the development's

impact on groundwater phosphate concentrations shall also be provided.

- (f) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

(2) Standards for acceptable groundwater impacts.

- (a) Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- (b) No mobile home park shall increase any contaminant concentration in the groundwater to more than 1/2 of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.
- (c) If groundwater contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.
- (d) If groundwater contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

(3) Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the plan.

- I. Ownership of park. The land within the mobile home park shall remain in a lot in single or joint ownership. No lots or interest in lots shall be individually conveyed, except that a leasehold interest in lots, or the use of lots through a written rental agreement, is permissible.
- J. Conversion of park. No development or subdivision which is approved by the Planning Board as a mobile home park shall be converted to another use without the approval of the Planning Board for such other use, and without the approval of the Zoning Board of Appeals for such change of use, if required under the terms of this chapter. The conversion shall meet the appropriate lot size, lot width, setback, and other requirements of this chapter and Chapter 235, Subdivision of Land, for the proposed use.
- K. Utility requirements. All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each lot in accordance with applicable state and local rules and regulations. Electrical utilities and telephone lines may be located above the ground.
- L. Sidewalks/walkways. The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways shall be adequately surfaced and lit. A portion of the road surface may be reserved for walkways, provided the roadway width is increased accordingly. Walkways shall be a minimum width of three feet.
- M. Lighting. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.
- N. Signs.

(1) Signs and advertising devices shall be prohibited in mobile home park except:

- (a) One identifying sign at each entrance of the mobile home park no larger than 24 square feet, which may be indirectly lit but not flashing.
- (b) Directional and informational signs for the convenience of tenants and the public relative to

parking, office, traffic movement, etc.

(c) Mobile/manufactured home "for sale" signs, provided that such signs that face a public road shall be no more than 10 square feet and shall be limited to two signs per mobile home park.

(d) Mobile/manufactured home address signs.

(2) The styles and location of the identifying sign shall not interfere with vehicle sight distance and shall be constructed in accordance with local sign regulations.

O. Storage. At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

P. Park administration. The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to state laws. Compliance with this chapter shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.

§ 290-10A.11. Standards for older mobile homes.

A. These standards are designed to establish a level of safety for older mobile homes to assure that the unit will perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury.

B. No mobile home which was constructed prior to June 15, 1976, or which was not built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974¹⁹ shall be used as a residential dwelling unit in the Town of Camden unless the Code Enforcement Officer certifies that the unit complies with the following standards:

(1) Exit facilities: exterior door.

(a) Required egress doors shall not be located where a lockable interior door must be used in order to exit.

(b) Mobile homes shall have a minimum of two exterior doors not less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.

(c) All exterior swinging doors shall provide a minimum 28 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum 28 inches wide by 72 inches high clear opening. Lock shall not require the use of a key for operation from the inside.

(2) Exit facilities: egress windows and devices. Homes shall have the following emergency egress facilities:

(a) Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of AAMA 1704-1985.

(b) The bottom of the window opening shall not be more than 36 inches above the floor.

(c) Locks, latches, operating handles, tabs and any other window, screen or storm window devices which need to be operated in order to permit exiting shall not be located in excess of 54 inches from the finished floor.

19. Editor's Note: See 42 U.S.C. § 5401 et seq.

- (3) Interior doors. Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.
- (4) Fire detection equipment. At least one smoke detector (which may be a single station alarm device) shall be installed in the home in the following locations:
 - (a) A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living-area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
 - (b) When located in hallways, the detector shall be between the return air intake and the living area.
 - (c) The smoke detector shall not be placed in a location which impairs its effectiveness.
 - (d) Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, current edition, for single- and multiple-station smoke detectors.
 - (e) Each smoke detector shall be installed in accordance with its listing. The top of the detectors shall be located on a wall four inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located four inches to 12 inches below the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the overcurrent protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on the same branch circuit or any circuit protected by a ground fault circuit interrupter.
- (5) Flame spread.
 - (a) Ceiling interior finish shall not have a flame spread rating exceeding 75.
 - (b) Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not exceeding 25. Sealants and other trim material two inches or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
 - (c) Exposed interior finishes adjacent to the cooking range shall have flame spread rating not exceeding 50.
 - (d) Kitchen cabinet doors, countertops, backsplashes, exposed bottoms, and end panels shall have a flame spread rating not to exceed 200.
 - (e) Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread of 200.
 - (f) No burner of a surface cooking unit shall be closer than 12 horizontal inches to a window or an exterior door.
- (6) Kitchen cabinet protectors.
 - (a) The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of six inches from the outside edge of the cooking range shall be protected with at least five-sixteenths-inch-thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking

- range or cooktops shall be protected by a metal hood with not less than a three-inch eyebrow projecting horizontally from the front cabinet face. The five-sixteenths-inch-thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A three-eighths-inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
- (b) The metal hood will not be required if there is an oven installed between the cabinet and the range.
 - (c) Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.
- (7) Carpeting. Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.
 - (8) Roof loads. All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of a State of Maine winter or wind uplifts that may occur.
 - (9) Heating and fuel-burning system. A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31, Inspection of Oil Burning Equipment, as adopted by that Board, or other applicable standards.
 - (10) Electrical system. A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical code in effect at the time the home was constructed.

§ 290-10A.12. Accessory storage containers. [Added 11-5-2013]

Accessory storage containers placed after November 5, 2013, may be utilized only as allowed under this section. Containers placed on a lot for a period of at least 60 days prior to November 5, 2013, may remain until replaced, moved, or upgraded unless they become unsafe or a hazard then they shall be removed upon notice from the Code Enforcement Officer and any future containers can only be permitted per this section.

- A. Temporary use of accessory storage containers. Accessory storage containers may be used on a temporary basis only after being approved by the Code Enforcement Officer, and subject to the following standards:
 - (1) No more than one temporary container shall be located on a lot at any time for any single project.
 - (2) The temporary container shall comply with all minimum yard size requirements of this chapter.
 - (3) The temporary container shall be placed behind the front line of principal buildings on the lot, unless the Code Enforcement Officer determines that, due to the size and configuration of the lot and/or the locations of existing buildings or structures on the lot, such placement is not feasible.
 - (4) The temporary container shall not displace any parking spaces utilized to meet the parking standards of Article XA of this chapter, unless the applicant provides evidence of written permission to use substitute spaces on an adjacent lot or lots during the entire period of time the temporary container is in place.
 - (5) The temporary container shall not be placed in any location where it will create pedestrian or vehicular traffic hazards or interfere with orderly traffic circulation.
 - (6) The temporary container shall be structurally sound. Its exterior surfaces shall be free of rust, holes, sharp edges, torn or damaged siding, exposed wiring or any other defects which could endanger health or safety.

- (7) The temporary use of accessory storage containers is limited to either no more than 60 days per lot per calendar year or the specific project duration for which the unit is intended and permitted.
 - (8) At least 15 days in advance of the date when the temporary container is to be placed on the lot, the owner or occupant of the lot shall make application to the Code Enforcement Officer for a permit. The application shall be accompanied by the application fee specified by the Town of Camden Select Board. The application shall also be accompanied by a refundable deposit in the amount of \$125, which shall be forfeited to the Town if the temporary container remains on the lot longer than allowed by Subsection A(7) above. A separate permit is required each time a temporary container is placed on a lot.
- B. Nontemporary use of accessory storage containers. Except when used on a temporary basis as provided above, no accessory storage container shall be placed on any lot except in a location approved by the Camden Planning Board under the Article XII, Site Plan Review, and subject to the following standards and annual fees as determined by the Camden Board of Selectmen per Article V:
- (1) No accessory storage container shall exceed 14 feet in height, nine feet in width or 55 feet in length.
 - (2) The total floor area of all accessory storage containers on a lot shall not exceed 495 square feet or 5% of the floor area of the principal building or buildings on the lot, whichever is greater.
 - (3) Accessory storage containers shall comply with all minimum yard size requirements of this chapter.
 - (4) Accessory storage containers shall not displace any parking spaces utilized to meet the parking standards of Article XA of this chapter.
 - (5) Accessory storage containers shall not be placed in any location where they will create pedestrian or vehicular traffic hazards or interfere with orderly traffic circulation.
 - (6) The exteriors of accessory storage containers shall contain no signs or advertising material visible from any public way or abutting property.
 - (7) All accessory storage containers shall be screened by the use of fencing, walls, berms, plantings, natural vegetation or other buildings or structures on the lot so that the accessory storage containers are substantially hidden from abutting properties and any public way.
 - (8) All accessory storage containers shall be structurally sound. Their exterior surfaces shall be free of rust, holes, sharp edges, torn or damaged siding, exposed wiring or any other defects which could endanger health or safety.
- C. Decisions of the Code Enforcement Officer or Planning Board under this section are final and cannot be appealed to the Board of Appeals. No variances may be granted from the requirements of this section.

§ 290-10A.13. Marijuana cultivation facilities. [Added 6-12-2019]

- A. The operator of a marijuana cultivation facility shall obtain all required state permits and licenses, as well as a local marijuana cultivation facility license from the Town of Camden, prior to the commencement of any activity, construction, cultivation or operations relating to the cultivation of marijuana as permitted by this chapter.
- B. Facilities operators should note that Town permits or approvals provide no protection or indemnification against enforcement of federal or state applicable laws that may prohibit operation of a marijuana cultivation facility. By accepting land use permits, business licenses and/or other approvals, the permittee waives and releases the Town, its officers, elected officials, employees, and/or agents from any liability, injuries, damages, or liabilities of any kind that may result from any arrest or prosecution of business owners, operators, employees, clients, or customers for a violation of federal, state, or local laws or regulations.

- (1) A marijuana cultivation facility, as defined in this chapter, shall:
 - (a) Only be permitted with approval from the Zoning Board of Appeals for a special exception as outlined in Article VII, § 290-7.4;
 - (b) Be set back a minimum of 500 feet from a lot containing a child-care facility, a day-care center (or nursery school), a public preschool program, a public school, or the following public facilities: Camden Public Library, Harbor Park and the Camden Snow Bowl. The applicant must provide information sufficient to prove to the satisfaction of the Code Enforcement Officer, and to the Zoning Board of Appeals, that all setbacks have been met.
 - [1] For the purposes of this section "public school" is as defined in this chapter, and as that term is defined in 20-A M.R.S.A. § 1, Subdivision 24, as may be amended; "private school" is defined, as that term is defined in 20-A M.R.S.A. § 1, Subdivision 22, as may be amended; a "public preschool" is defined as that term is defined in 20-A M.R.S.A. § 1, Subdivision 23-A, as may be amended; "child care facility" as that term is defined in 22 M.R.S.A. § 8301-A, Subdivision 1-A, Subsection B, as may be amended; "day-care center" is as defined in this chapter;
 - [2] For the purposes of this section, the "Camden Snow Bowl" is defined as Town Tax Map 227, Lots 64, 66, and 67;
 - [3] Once all of the State and Town approvals are issued, the Town will not preclude uses listed in Subsection B(1)(a) above from opening at a location within the applicable setback area.
- (2) In addition to Subsection B(1) above, outdoor marijuana cultivation facilities shall:
 - (a) Be set back at least 300 feet from all property lines. The applicant must provide sufficient information to prove to the satisfaction of the Code Enforcement Officer, and to the Zoning Board of Appeals, that all setbacks have been met.
 - (b) Ensure all state-mandated security measures are in place and operational 24 hours a day; but at a minimum, plants must be completely behind a six-foot fence with sightproofing sufficient to prevent the plants from being seen from any abutting properties or public street or right-of-way; the fenced-in area must be secured with a lock and key.
 - (c) Comply with best management practices for agricultural operations. Documentation shall be provided with the application for special exception, showing:
 - [1] A plan for the mitigation of odors sufficient to ensure that the odor of marijuana is not perceptible at any abutting property; perceptible odor may be deemed a public nuisance; and
 - [2] A plan to provide for off-site disposal of solid and agricultural waste in compliance with applicable state laws, including those which specifically apply to marijuana establishments.
- (3) In addition to Subsection B(1) above, indoor marijuana cultivation facilities shall also:
 - (a) Ensure that the odor of marijuana is not perceptible at any abutting property. While the Town does not mandate any particular equipment specifications with regard to filtration, all marijuana cultivation facilities are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems. Documentation shall be provided with the application for special exception, showing:
 - [1] Plans to implement appropriate ventilation and filtration systems sufficient to satisfy the above-mentioned odor standard; perceptible odor may be deemed a public nuisance.

- [2] A plan for off-site disposal of solid and cultivation waste in compliance with applicable state laws which specifically apply to marijuana establishments.
- (4) Indoor and outdoor marijuana cultivation facilities. In addition to the information noted above, the following submissions are required to be provided with the application for a special exception:
 - (a) Documentation acknowledging that they will not employ a person under the age of 21;
 - (b) A copy of the procedure that will be employed to ensure that no person under the age of 21 will be permitted to enter, or remain in, a marijuana establishment, as defined;
 - (c) A copy of an operational plan providing for the proper disposal of marijuana and related by-products in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations. At a minimum, the plan must address how the facility will comply with the following standards:
 - [1] Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash;
 - [2] All dumpsters and containers shall be screened from public view;
 - [3] All trash receptacles on the premises used to discard adult use marijuana products shall have a metal cover or lid that is locked at all times when the receptacle is unattended.
 - (d) A plan to comply with state law regarding pesticide application that requires that all application of pesticides must be performed by a person licensed by the State Board of Pesticide Control as a pesticide applicator;
 - (e) Copies of applicable state applications and evidence of compliance with any and all applicable state rules and regulations; and
 - (f) A plan to ensure compliance with all state-mandated security measures will be in place and operational 24 hours a day.

§ 290-11.1. Purpose and intent.

- A. The Town, after due and careful consideration, finds and declares that it desires to preserve the natural and scenic beauty of the Town, its rural area and water ways, where a proliferation of advertising and other signs would despoil the beauty of the Town and create hazards to vehicular and pedestrian traffic.
- B. It is the intent and purpose of this article to preserve the beauty of the Town and the safety and well-being of the inhabitants while at the same time allowing reasonable advertising and informational signs by regulating the type, number, location, and size of such signs.

§ 290-11.2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BANNER — Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National, state, or municipal flags, or the official flag of any institution or business, shall not be considered banners.**[Amended 11-10-2009]**

FLAG — Any fabric or bunting containing distinctive colors, patterns, or symbols.**[Amended 11-10-2009]**

PENNANT — Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN — Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public, including a sign located inside a window or door so that it is visible from the exterior of the building. Brand names and logos that are integral parts of a good to be sold are not considered signs under this chapter.**[Amended 11-10-2009]**

SIGN AREA — The area on one side of the smallest simple geometric shape exemplified by a square, rectangle, triangle, circle, etc., encompassing all lettering, wording, design, or symbols, together with any background which is distinguishable from the building. For the purpose of calculating the area of a sign, an inconspicuous support exemplified by a slim post is not part of the sign.

SIGN, CANOPY — A sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

SIGN, CONSOLIDATED — A single on-premises sign that serves two or more businesses or entities, all of which are located on the same lot of record, which sign is on a single device, fixture, placard, or structure.

SIGN, FREESTANDING — A sign supported by one or more upright poles, columns, braces or structure anchored in the ground and not attached to any building or other structure.

SIGN, ILLUMINATED — A sign lit in any manner by an artificial source of light.

- A. **SIGN, EXTERNALLY ILLUMINATED** — A sign that is lit entirely from an external source, such as flood- or spotlights, and is so arranged that no direct rays of light are projected from the external source into adjoining properties or public streets.

- B. **SIGN, INTERNALLY ILLUMINATED** — A sign whose lighting is integral to the sign and/or shines through a plastic or other translucent covering.

SIGN, LADDER — A sign with two or more signs attached to the same support. The components of a ladder sign must comply, cumulatively, with the dimensional limitations imposed by this section.

SIGN, OFF-PREMISES — A sign that is not located on the same lot of record that the business, facility, or point

of interest is located.

SIGN, ON-BUILDING — A sign that is attached to the building wall and extends not more than six inches from the face of such wall.

SIGN, ON-PREMISES — A sign that is located on the same lot of record that the business, facility, or point of interest is located.

SIGN, PORTABLE — A sign that is not permanently attached to the ground or other permanent structure; or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels or trailers, balloons used as signs, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. For the purpose of this chapter, menu and sandwich board signs are not considered portable signs.

SIGN, PROJECTING — A sign that is attached to the building wall and extends more than six inches from the face of such wall.

SIGN, TEMPORARY — A sign of a temporary nature, erected less than 90 days within any twelve-month period, exemplified by the following: political signs, charitable signs, fund-raising signs, construction signs, carnival signs, garage sales, lawn sales, rummage sales, and all signs advertising sales of real estate and personal property, and "for rent" signs. Any exterior sign displayed by an ongoing business on the business's premises in which the written or printed message changes while the structure of the sign remains unchanged shall not be considered as a temporary sign. For example, chalkboards and signs with removable lettering shall not be considered temporary signs. **[Amended 11-10-2009]**

§ 290-11.3. Permit required. [Amended 11-10-2009]

No person, firm or corporation shall hereafter erect, hang, place, or alter a sign or sign structure of any kind without a permit having been issued by the Code Enforcement Officer, upon payment of a permit fee as determined annually by the Selectmen. Any permit obtained subsequent to the erecting, hanging, placing, or altering a sign or structure shall be subject to a permit fee five times the scheduled fee. Every application for a sign permit shall be accompanied by plans to scale, showing the area of the sign, the position of the building, structure or lot to which or upon which the sign is to be attached or erected, the method of illumination if any, and such other information as the Code Enforcement Officer shall require to show full compliance with this and all other laws and ordinances of the Town. If it appears that the proposed sign is in compliance with all such requirements and laws, the permit shall be issued.

§ 290-11.4. Excepted signs.

The following signs are excepted from the provisions of this chapter:

- A. Any sign which was lawfully in existence prior to the date of the adoption of this chapter; provided, however, any change in lettering, size, construction, wording, location, or lighting of said sign shall constitute a new sign and such change shall be governed by the terms of this chapter;
- B. House addresses, family name signs, and "no trespassing" signs;
- C. Traffic control signs and safety signs, including handicapped access signs;
- D. Signs painted on the window of a business which do not exceed 10% of the area of the glass;
- E. Informational and directional signs concerning hospitals and emergency medical care facilities;
- F. Vending and dispensing machines; however, vending and dispensing machines located outside a building shall not be internally illuminated; **[Added 6-20-2006]**
- G. A single blackboard sign on which the message may change, located near an entrance and attached to a

building located in the Downtown Business (B-1), Highway Business (B-2), Business Transition (B-3), Neighbor Service (B-4), Harbor Business (B-H), Transitional Harbor Business (B-TH) or River Business (B-R), for the purpose of posting information, such as, but not limited to, menus, specials, new products, sales, real estate listings, or sample designs, provided the sign does not exceed three square feet; **[Added 11-10-2009; amended 11-6-2012; 7-14-2020]**

- H. Temporary sandwich board signs used to direct vehicles or pedestrians to an event sponsored by a civic group, organization or arts group; however, except as permitted under § 290-11.11C(5), other uses of sandwich board signs are prohibited; **[Added 11-10-2009; amended 11-6-2012]**
- I. Signs to direct vehicles or pedestrians within private or public property, provided the signs are no larger than three inches by 18 inches; **[Added 11-10-2009]**
- J. A single sign advertising fresh produce grown on the premises, provided the sign does not exceed four square feet in area; **[Added 11-10-2009]**
- K. Directional and informational signs on municipal property with the approval of the Code Enforcement Officer; **[Added 11-10-2009]**
- L. Temporary signs on Town property. **[Added 6-13-2018]**
 - (1) The Town of Camden may, but shall not be required to, authorize the licensee, permittee, or lessee of Town-owned property used for a temporary event to erect and maintain signage related to such event, with the type, number, and the duration of posting to be determined by the Select Board. The term "temporary event" shall be an event with a duration of not more than three consecutive days, but may include events which are recurring.
 - (2) In determining whether or not to issue a temporary sign permit under this subsection, the Select Board shall consider the size, location, materials and general presentation of the sign in consideration of public safety and the harmonious relation to the surrounding property uses, landscaping, architecture and neighborhood. Language which is objectively offensive to the public or protected classes shall not be permitted.

§ 290-11.5. Community, municipal, and quasi-municipal facilities.

Signs shall meet the requirements of § 290-11.11, Specifications.

§ 290-11.6. Obsolete signs.

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, product sold, or activity or campaign being conducted shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or lot upon which such sign may be found within 10 days after written notification from the Code Enforcement Officer. Failure to comply with such notice constitutes a violation of the terms of this chapter.

§ 290-11.7. Illuminated signs.

If an exterior sign is to be illuminated, it must be illuminated externally only and shall be lighted from sources which are shielded from streets and adjoining property, with no exposed source of illumination. Businesses are allowed to display one internally illuminated "open" sign with a maximum size of two square feet in a window visible from the street with a permit from the Code Officer. Any permitted "open" sign shall not advertise or contain a logo of any product or company. The intensity of light from any illuminated sign visible from the exterior of the business shall remain constant in color, location, and brightness. No sign shall constitute a hazard to the flow of vehicular or pedestrian safety.

§ 290-11.8. Flags, banners and pennants. [Amended 11-10-2009]

Flags, banners, and pennants may be used for the promotion of an event by a civic group, organization, or arts group, provided they are displayed for no longer than seven consecutive days. Flags, banners and pennants may be used for customer or employee appreciation days, provided they are displayed no more than once a year and no longer than seven consecutive days; or upon the grand opening of a new business, provided they are displayed for no more than seven consecutive days. A permit from the Code Enforcement Officer for such flags, banners, and pennants shall be required for each event. All other use of flags, banners, and pennants as signs is prohibited; provided, however, that nothing in this chapter shall prohibit the flying of national, state, or municipal flags, or the official flag of any institution or business.

§ 290-11.9. General prohibitions in all zones.

- A. Billboards, animated signs, flashing signs, roof signs, rotating signs, signs containing any visible moving parts and portable signs are prohibited in all zones. Engraved cornerstones and stone engraved building or structure names are exempt from this prohibition.
- B. Sandwich board signs, easels, and other sidewalk signs not affixed to a structure or sign post are prohibited on any public or private way except as permitted under § 290-11.11, Specifications, Subsection C(5). **[Amended 11-10-2009; 11-6-2012]**
- C. Ladder signs affixed by the use of hooks and chains are prohibited, except that such signs no larger than three inches by 18 inches may be used to indicate whether a business is open or closed or its vacancy status.

§ 290-11.10. Off-premises signs.

- A. Types of signs within the public right-of-way. The following signs may be erected and maintained within the public right-of-way without license or permit as long as they conform to applicable provisions of this subsection and rules adopted pursuant to this section and 23 M.R.S.A. § 1913.²⁰
 - (1) Signs erected by a producer that directs travelers to the location where farm and food products, as defined in Title 7 M.R.S.A. § 415, Subsection 1, Paragraph B, are grown, produced and sold. A sign must be directional in nature, may not exceed four square feet in size and must be located within five miles of where the farm and food product is sold. A producer may not erect more than four signs pursuant to this subsection. The location of such proposed signs must be approved by the Code Enforcement Officer.
 - (2) Signs erected for a farmers' market, as defined in Title 7 M.R.S.A. § 415, Subsection 1, Paragraph A, as long as the signs are directional in nature. A farmers' market may not erect more than four signs pursuant to this subsection. A sign must be directional in nature, may not exceed four square feet in size and must be located within two miles of where the farmers' market is located. Signs must be placed no earlier than the morning of the market being held and must be removed after the market closes. The location of such proposed signs must be approved by the Code Enforcement Officer.
- B. Traffic, public parking, public transportation, and roadside municipal directional signs, the location of such proposed signs must be approved by the Code Enforcement Officer.
- C. All other off-premises signs, including official business directional signs (OBDS), as defined by the State of Maine Department of Transportation, are prohibited in all zones, except that any off-premises sign approved by the Department of Transportation and in place at any time in the 12 months preceding June 27, 1985, may remain.

20. Editor's Note: 23 M.R.S.A. § 1913 was repealed 5-26-1981 by Laws 1981, c. 318. See now 23 M.R.S.A. § 1913-A.
290:152

§ 290-11.11. Specifications.

The following designate the maximum allowable specifications of signs in all zones:

- A. Industrial District (I): one on-premises sign identifying the business, with a maximum area of 30 square feet.
- B. Rural 1 (RU-1), Rural 2 (RU-2), Rural Recreation (RR), Village Extension (VE), Traditional Village (V), and Coastal Residential (CR) Districts: two on-premises signs pertaining to a permitted use conducted on the premises, with a maximum area of 16 square feet. Approved subdivisions may be allowed one sign designating the name of the subdivision in accordance with the specifications of Subsection C(1) of this section. **[Amended 11-10-2009; 11-6-2012]**
- C. Downtown Business (B-1), Highway Business (B-2), Business Transition (B-3), Harbor Business (B-H), Transitional Harbor Business (B-TH); River Business (B-R), and Neighborhood Service (B-4) Districts: a business situated on its own, individual lot may have no more than three signs in any combination of the following approved types: **[Amended 11-11-2008];**
 - (1) Freestanding signs: one sign with a maximum height of nine feet measured from the ground to top of the highest support or top of sign, with a maximum sign area of 16 square feet.
 - (2) On-building signs: one sign identifying the name of the business conducted on the premises and limited additional information which explains the nature of the business or profession. The sign shall be limited to one row of letters of a maximum height of 16 inches or one row of letters of a maximum height of 12 inches, identifying the name of the business and one additional row of letters of a maximum height of six inches providing limited additional information which explains the nature of the business; or to a sign identifying the name and/or logo of the business which is no greater than one square foot of sign for each two linear feet of the building fronting on the thoroughfare or waterfront and shall not exceed a maximum of 50 square feet in area. **[Amended 11-10-2009]**
 - (3) Canopy signs and projecting signs: one sign with a maximum sign area of 12 square feet, except that such signs that overhang a public right-of-way shall have a maximum sign area of six square feet and a minimum vertical clearance of 10 feet. **[Amended 11-10-2009]**
 - (4) One additional sign shall be permitted if the building fronts upon more than one thoroughfare (including the Harbor), said additional sign to front on said thoroughfare or waterfront. **[Added 11-10-2009]**
 - (5) One freestanding or A-frame blackboard sign up to 17 inches by 28 inches in size may be allowed, with a permit from the Code Enforcement Officer, on private property in the Downtown Business (B-1) or Transitional Harbor Business (B-TH). One freestanding or A-frame blackboard sign up to 24 inches by 36 inches in size may be allowed, with a permit from the Code Enforcement Officer, on private property in the Highway Business (B-2), Business Transition (B-3), and Neighborhood Service (B-4). In determining whether to issue a permit, the CEO shall consider pedestrian and vehicle safety. **[Added 11-6-2012; amended 7-14-2020]**
 - (6) In addition to signs otherwise permitted, two signs not to exceed two square feet each in sign area, designating an entrance or exit to a parking lot, shall be allowed.
 - (7) Approved subdivisions may be allowed a single permanent sign designating the name of the subdivision in accordance with the specifications of Subsection C(1) of this section. **[Added 11-15-2005]**
- D. Businesses that share a building each may have no more than two on-building, canopy, or projecting signs according to the specifications set forth in Subsection C above. One additional sign shall be permitted if the building fronts upon more than one thoroughfare (including the Harbor), said additional sign to front on said thoroughfare or waterfront.
 - (1) In addition, the building may accommodate a single consolidated sign, no greater than the square footage

equivalent to the linear footage of the building fronting on the thoroughfare or waterfront, with a maximum sign area of 100 square feet, except in the Business Transition District (B-3), where the maximum sign area shall be 16 square feet. **[Amended 11-10-2009]**

- (2) Street-level businesses that share a building may have an individual freestanding sign, provided that the business has a separate street-level entrance. **[Added 11-10-2009]**
 - (3) A consolidated sign may take the form of a ladder sign.
- E. Home occupations and tradesmen's shops permitted as special exceptions. **[Amended 11-10-2009; 11-6-2012]**
- (1) Home occupations. One on-building sign is allowed for a home occupation in the Traditional Village (V) and Village Extension (VE) Zoning Districts, with a maximum sign area of six square feet. One freestanding sign is allowed for a home occupation in the Traditional Village (V) and Village Extension (VE) Zoning Districts, where the speed limit is 35 mph or greater, with a maximum sign area of six square feet. One on-building and one freestanding sign are allowed for a home occupation in the Rural 1 (RU-1), Rural 2 (RU-2), and Coastal Residential (CR) Zoning Districts, with a maximum combined sign area of 16 square feet. Properties with more than one home occupation shall be required to place all information on the one sign.
 - (2) Tradesmen's shops permitted as special exceptions. One on-building and one free standing sign are allowed for a tradesman shop permitted as a special exception in the Rural 2 (RU-2), with a maximum combined sign area of 16 square feet.
- F. Nonconforming signs in existence prior to the date of adoption of this chapter on November 4, 1992, may be replaced by new signs that comply with the terms of this section or that are not larger than 75% of the existing sign area. A nonconforming sign which is discontinued for a period of 24 consecutive months may not be resumed.
- G. A sign allowed in the front setback area may not protrude outside the property line, except for canopy or projecting signs in conformance with Subsection C(3) of this section.
- H. All roadside municipal directional signs for public facilities, except those covered under Subsection I, shall be standard "symbol" signs approved by the Code Enforcement Officer, measuring no larger than 12 inches by 18 inches with an additional directional arrow sign where needed. No wording shall be used on the sign. These signs shall be placed on a single metal post or pressure-treated wood post, or on signposts erected for other purposes.
- I. Roadside signage for public parking and transportation facilities shall be no larger than 12 inches by 18 inches. Freestanding signs within public parking facilities shall be no larger than 16 square feet.

§ 290-11.12. Temporary signs.

- A. A temporary sign, as defined in this chapter, shall not exceed six square feet in sign area and shall not be illuminated.
- B. A sign permit shall be required for any sign erected longer than 90 days within any twelve-month period, except real estate signs offering property for sale or rent, which may be left in place without a permit until the sale or rental of the property; and construction signs, which shall be allowed without a permit for the duration of the project. Real estate signs shall not be placed in traffic islands, within Town right-of-ways or at any location that could cause a traffic hazard. **[Amended 11-10-2009]**
- C. New construction requiring site plan review shall be allowed one construction sign of up to 16 square feet for the duration of the project.

§ 290-11.13. Town directional signage. [Added 6-17-2009]

- A. A permit for Town directional signage shall be issued by the Code Enforcement Officer upon the recommendation of the Camden Planning Board and the recommendation of the Parking, Transportation and Traffic Committee and the approval of the Camden Select Board.
- B. Town directional signage shall be of consistent design and shall use international symbols whenever possible.
- C. The specific placement of Town directional signage shall be approved by the Maine Department of Transportation when located along state roads; and by the Road Commissioner and Chief of Police when located along Town of Camden roads.
- D. Minor changes to Town directional signage are permitted with the approval of the Code Enforcement Officer.

ARTICLE XII
Site Plan Review

§ 290-12.1. Purpose and applicability.

- A. The purpose of site plan review is to assess the impact of new development on surrounding properties, municipal facilities and services, and the natural environment. Only uses that have been established as permitted uses, either as a matter of right or as a result of successful review as a special exception, are intended to be able to proceed to site plan review. Therefore, the purpose of site plan review is not to establish the right of a use to be located in the area proposed, but rather it is to assure that the way the use is designed and placed on a lot is appropriate to its surroundings. This section shall apply to:
- (1) Proposals for new construction of nonresidential buildings or structures and of multifamily dwellings, including accessory buildings or structures, having a total area for all floors of more than 1,000 square feet and placement of nontemporary accessory storage containers. **[Amended 11-5-2013]**
 - (2) Proposals for enlargement of nonresidential buildings or structures and of multifamily dwellings, including accessory buildings and structures, if the enlargement has a total area for all floors within a five-year period of more than 1,000 square feet
 - (3) A proposal to pave, strip, remove earth materials from, or grade areas of more than 10,000 square feet within a five-year period for nonresidential uses and mineral extraction in accordance with Article XA, § 290-10A.2B(2), except that site plan review is not required for roads and infrastructure for approved subdivisions or for construction, maintenance or repair of municipal or state roads and infrastructure. **[Amended 11-13-2007]**
 - (4) Proposals to pave, strip, remove earth materials from, or grade areas of more than 40,000 square feet within a five-year period for residential uses; however, in reviewing such proposals, the Planning Board shall only consider § 290-12.6, Approval criteria, Subsections A, B and E. **[Amended 11-13-2007]**
 - (5) Proposals to change residential uses to nonresidential uses having a total nonresidential floor area of more than 1,000 square feet. **[Amended 6-20-2006]**
 - (6) Proposals to construct, enlarge, or extend piers, wharves, bulkheads, breakwaters, consolidated piers, causeways, marinas, bridges over 20 feet in length, and uses projecting into water bodies. **[Amended 6-20-2006]**
 - (7) Proposals to construct new wireless telecommunications facilities, and any expansion of an existing wireless telecommunications facility that increases the height of the facility by more than 20 feet. Such proposals shall also be reviewed according to Chapter 282, Wireless Telecommunications Facilities.
 - (8) Proposals under Subsection A(1) and (2) above or proposals that include two or more of the following types of exterior renovations to a nonresidential or multifamily building within a two-year period, in the B-1 or B-TH Zoning District: **[Added 11-2-2010; amended 7-14-2020]**
 - (a) Facade.
 - (b) Roof.
 - (c) Siding.
 - (d) Awnings.
 - (e) Exterior lighting.
 - (f) Historic or architectural details.

- (9) Proposals to apply a Business Opportunity Zone overlay to a parcel (or parcels) within the B-2, B-3, B-4 or B-R Zoning Districts. In addition to the approval criteria found in § 290-12.6A through J below, applications for a BOZ overlay shall undergo a review of design standards unique to the BOZ overlay found at § 290-12.6L. Applicants should tailor all submissions required for site plan review to address these standards. **[Added 6-9-2015; amended 7-14-2020]**

B. This section does not apply to agricultural land management practices and forest management practices.

§ 290-12.2. Procedures.

- A. No building permit or plumbing permit shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this article until a site plan of development has been approved by the Planning Board.
- B. Applicants are encouraged to meet in a preapplication conference with the Planning Board prior to formal submission of an application.
- C. Every applicant applying for site plan approval shall submit to the Code Enforcement Officer nine copies of a complete site plan of the proposed development, which shall be prepared in accordance with § 290-12.3 of this article, accompanied by a fee as determined by the Selectmen. All approved site plans produced with a computer-assisted design program shall be submitted with a digital copy of the plan in a form acceptable to the Town. A fee schedule for site plan review shall be established by the Selectmen annually. The schedule shall include a fee for applications for site plan review and for site plan amendments that are filed after the commencement of the activity for which approval is required, such fee to be greater than the fee for an application that was filed in a timely manner. The Code Enforcement Officer shall retain two copies of the plan and forward one copy each to the Fire Chief, Town Manager, Police Chief, superintendent of the wastewater treatment plant, and director of the solid waste disposal system. **[Amended 11-15-2005]**
- D. A complete application for site plan approval shall be submitted at least 15 days prior to the Planning Board meeting at which the applicant wishes to be heard. However, any application which is not complete shall not be placed on the agenda but shall be returned to the applicant by the Code Enforcement Officer with instructions as to the additional information required. The Code Enforcement Officer shall review the proposed project for Zoning Ordinance compliance and to determine that all special exceptions and/or variances which may be necessary first have been obtained from the Zoning Board of Appeals. The Code Enforcement Officer shall continue to review the project for Zoning Ordinance compliance as changes are made during the site plan review process. Within 10 days after receipt of their copies of the complete site plan, the Town officials who have been forwarded copies of the plan shall submit their written comments to the Code Enforcement Officer. Any supplemental information or plan revisions shall be submitted no less than seven days prior to the Planning Board meeting.
- E. Within 60 days after the date on which the site plan application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant. During this sixty-day period, the Board may schedule an on-site visit.
- (1) In connection with the review, the Planning Board shall hold a public hearing within 30 days after the site plan application first appears on the Planning Board agenda; however, the Planning Board may waive the public hearing for applications under § 290-12.1A(8); the time limit for scheduling such public hearing may also be extended by mutual agreement of the Planning Board and the applicant. Any mutual agreement for extension of the time for a public hearing or of the time for review set forth in Article XII, § 290-12.2E, shall be in writing, signed by the Planning Board and the applicant or the applicant's agent. **[Amended 11-2-2010]**
- (2) In connection with the review, the Planning Board may determine that it needs additional geotechnical, hydrological, engineering, planning, legal or similar professional consulting services to fully understand

and evaluate the application, and when the subject matter at hand exceeds the expertise of Town staff, the Board, as determined by a two-thirds majority vote of those present and voting, may direct the applicant to engage such independent services. In addition to such fees as otherwise specified by the Town, the applicant shall be responsible for the payment 100% of the costs related to independent geotechnical, hydrological, engineering, planning, legal and similar professional consulting services. Requests for such consultation shall be limited to reasonable and necessary review as allowed by this chapter. The time limit for review set forth in Article XII, § 290-12.2E, may be extended, by mutual agreement, to accommodate a request for a consultant's review. Any mutual agreement for extension of time for review for this purpose shall be in writing, signed by the Planning Board and the applicant or the applicant's agent. **[Amended 11-7-2017]**

- F. Within 30 days of reaching its decision, the Planning Board shall notify the applicant, in writing, of its action and the reason for taking such action. **[Amended 6-15-2004]**
- G. For applications under Article XII, § 290-12.1A(6), the Planning Board shall obtain comments from the Harbor Committee. The Conservation Commission as well as other appropriate Town Officials and committees may also be asked to comment. In addition, the Planning Board may schedule a public hearing to obtain additional information from the public. No construction authorized under this procedure shall be considered usable or completed until a certificate of completion has been issued by the Code Enforcement Officer, certifying completion in conformance to all terms and conditions under which the application was approved. **[Amended 6-20-2006]**
- H. Appeals.
 - (1) An appeal from a decision of the Planning Board concerning a site plan application may be filed by an aggrieved party with the Zoning Board of Appeals. Such an appeal shall be filed within 15 days of the decision of the Planning Board. The Zoning Board of Appeals shall have no authority to decide any appeal that is not filed within that fifteen-day period. **[Amended 11-13-2007]**
 - (2) On appeal, the review of the site plan decision shall be limited to correction of clear errors of law made by the Planning Board in connection with the site plan decision, and the Zoning Board of Appeals shall have no authority to reverse or modify a factual finding of the Planning Board. In connection with such an appeal, the review of the Zoning Board of Appeals shall be based exclusively on the record before the Planning Board. Upon receipt of an appeal of a site plan decision, the Zoning Board of Appeals may defer consideration of that appeal for a period not to exceed 30 days in order to permit consideration of that appeal to occur at the same meeting of the Board as consideration of an appeal of the issuance or denial of a building permit for the same project. At such a meeting concerning both appeals, the appeal of the issuance or denial of the building permit shall not be limited to the review of clear errors of law and shall be considered separately from the appeal of the site plan decision of the Planning Board. A decision of the Zoning Board of Appeals concerning an appeal of a site plan decision of the Planning Board shall be appealable to the Superior Court within 45 days after that decision, as provided by Title 30-A M.R.S.A. § 2691, as the same shall be amended from time to time.
- I. Any permit or approval granted hereunder is subject to all elements of the final plans and specifications submitted by the applicant and to all representations, oral or written, made by or on behalf of the applicant in support of the application or with respect to the nature and scope of the use, activity or work proposed, and all such permits or approvals shall include, as an express condition, a written statement to said effect.

§ 290-12.3. Site plan content.

When the owner of the property or his authorized agent makes formal application for site plan review, his application shall contain at least the following exhibits and information:

- A. Owner's name and address.

- B. Names and addresses of all abutting property owners.
- C. Sketch map showing general location of the site within the Town.
- D. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
- E. Zoning classification(s) of the property lines of the property to be developed and the source of this information.
- F. The bearing and distances of all property lines of the property to be developed and the source of this information. The Board may require a formal boundary survey when sufficient information is not available to establish, on the ground, all property boundaries.
- G. The location of all building setbacks required by this chapter.
- H. The location, dimensions, front view, and ground-floor elevations of all existing and proposed buildings in the site.
- I. The location and dimensions of driveways, parking and loading areas, and walkways.
- J. Location of intersecting roads or driveways within 200 feet of the site.
- K. The location and dimensions of all provisions for water supply and wastewater disposal
- L. The location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained and of any new landscaping planned.
- M. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
- N. Location, front view, and dimensions of existing and proposed signs.
- O. Location and type of exterior lighting.
- P. Copies of applicable state and federal approvals and permits; provided, however, that the Board may approve site plans subject to the issuance of specified state and federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.
- Q. A signature block on the site plan, including space to record a reference to the order by which the plan is approved.

§ 290-12.4. Supplemental information.

The Planning Board may require any or all of the following submissions where it determines that, due to the scale, nature of the proposed development or relationship to surrounding properties, such information is necessary to assure compliance with the intent and purposes of this chapter:

- A. Existing and proposed topography of the site at two-foot contour intervals, or such other interval as the Board may determine, prepared and sealed by a surveyor licensed in the State of Maine.
- B. A stormwater drainage and erosion control plan prepared by an engineer or landscape architect registered in the State of Maine, showing:
 - (1) The existing and proposed method of handling stormwater runoff.
 - (2) The direction of flow of the runoff through the use of arrows.
 - (3) The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

- (4) Engineering calculations used to determine drainage requirements based upon a twenty-five-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
 - (5) Methods of controlling erosion and sedimentation during and after construction.
- C. A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.
- D. Sufficient technical capacity:
 - (1) The Board may require the developer to show evidence of sufficient technical capacity to:
 - (a) Fully complete the work described in the site plan application in a timely and workmanlike manner; and
 - (b) Fully complete the work in accordance with all applicable federal, state, and municipal ordinances and best management practices.
 - (2) In determining the developer's technical ability, the Board may consider:
 - (a) The developer's previous experience and qualifications;
 - (b) The experience and qualifications of the consultants and contractors/subcontractors the developer intends to use to perform the work;
 - (c) Any previous violations of federal, state, or municipal permits for best management practices by the developer;
 - (d) Any prior successful or failed development project(s).
 - (3) The developer may retain professional consultants to supervise, construct and inspect the described work as long as any such consultants prove reasonably satisfactory to the Board in accordance with § 290-12.4D(1) and (2) above.
- E. A planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted.
- F. In addition to § 290-12.3A, C, D, L, M, O and Q, applications for piers, wharves, breakwaters and boat ramps shall include: **[Amended 11-2-2010]**
 - (1) A site plan stamped and sealed by an engineer registered in the State of Maine.
 - (2) An elevation showing the height of the pier in relation to normal high water.
 - (3) A pier section.
 - (4) A detailed erosion control plan, including a schedule of construction. The schedule shall include the kind of motorized equipment, how and when it will be used below high or low water.
 - (5) A detailed plan showing how oils, greases or other contaminants will be separated and handled.
 - (6) Copies of required Maine Department of Conservation submerged lands lease, Maine Department of Environmental Protection and United States Army Corps of Engineers permits; provided, however, that the Board may approve site plans subject to the issuance of specified state and federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.
- G. In addition to the submission requirements above, applications for exterior renovations in the downtown as

required in § 290-12.1A(8) shall include the following, if applicable:

- (1) An elevation sketch of the proposed facade(s).
- (2) Sample materials or cut sheets.
- (3) Digital color photos of the streetscape.
- (4) Renderings or photo simulations of the proposed exterior.
- (5) Photos of historic or architectural details.

§ 290-12.5. Waiver of submission requirements.

The Planning Board may modify or waive any of the submission requirements when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town.

§ 290-12.6. Approval criteria.

The following criteria are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved unless in the judgment of the Planning Board the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

- A. Preserve and enhance the landscape. The landscape shall be preserved in its natural state insofar as practical by minimizing tree removal, disturbance of soil, and by retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures and to minimize the encroachment of the proposed use on neighboring land uses.
- B. Erosion control. Filling, excavation, and earthmoving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum, including:
 - (1) Preservation and protection of natural vegetation where possible.
 - (2) Keeping duration of exposure of disturbed soils to as short a period as possible and stabilizing the disturbed soils as quickly as practicable.
 - (3) Use of temporary vegetation or mulching to protect exposed critical areas during development.
 - (4) Use of debris basins, sediment basins, silt traps or other acceptable methods to trap the sediment from stormwater runoff.
 - (5) No storage of fill materials within 50 feet of the banks of any stream, intermittent or perennial, or water body.
 - (6) No removal of topsoil from any lot, except for that removed from areas to be occupied by buildings, paving, or other surfaces that will not be revegetated.
- C. Relationship of the proposed building to environment and neighboring buildings. The physical placement of proposed buildings or structures on the site shall fit harmoniously with the terrain of the site and with neighboring buildings or structures, taking into account the bulk, location, and height of the buildings or structures and such natural features as slope, soil type, and drainageways. The proposed buildings or structures shall not interfere unreasonably with the solar access of existing buildings or adjacent parcels.

D. Vehicular access, parking, and circulation. The proposed site layout shall provide for safe access to and egress from public and private roads.

- (1) Any exit driveway shall be so designed as to provide the following minimum sight distance measured in each direction, as measured from the point at which the driveway meets the public or private right-of-way:

Posted Limit (miles per hour)	Require Sight Distance (feet)
25	175
30	210
35	245
40	280
45	325
50	350
55	425

- (2) The street serving the site shall be adequate to carry the anticipated traffic, and the site plan shall locate points of access to avoid hazardous conflicts with existing turning movements and traffic flows.

- (3) Pedestrianways shall be safely separated from vehicular traffic.

E. Surface water drainage. Adequate provision shall be made for surface drainage so that removal of stormwaters will not have an unreasonably adverse effect on neighboring properties, downstream water quality, soil erosion or the public storm drain system. Whenever possible, on-site absorption of runoff waters shall be used to minimize discharges from the site. Drainage facilities shall be designed for a twenty-five-year storm frequency.

F. Public utilities. The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities. New utilities shall be sized, and existing utilities upgraded to adequately handle the demands of the development. **[Amended 6-20-2006]**

G. Special features of development. Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have setbacks and screening to provide a buffer to sight and sound sufficient to minimize their adverse impact on other land uses within the development area and on surrounding properties.

H. Exterior lighting. All exterior lighting shall be designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way.

I. Emergency vehicle access. Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times of the year, including twenty-foot-wide fire lanes at locations as may be recommended by the Fire Department.

J. Special criteria for piers, wharves, breakwaters, municipal boat ramps, municipal piers, consolidated piers, causeways, marinas, bridges over 20 feet in length and other uses projecting into water bodies requiring site plan approval under the terms of this chapter. In addition to the above approval criteria, the site must be demonstrated to be suitable for the proposed use according to the following special criteria: **[Amended 6-20-2006]**

- (1) The project must not cause undue erosion on or near the site.

- (2) The proposed use must not cause degradation of marine life in or near the area. The Board may ask for an examination and statement by a qualified marine biologist regarding the impact of the project, and that statement shall show no significant adverse impact on marine life.

K. Design standards for new construction, additions or exterior renovations in the B-1 or B-TH Zoning District. The applicant is strongly encouraged to adhere to these standards; however, the decision of the Planning Board on these design standards shall be nonbinding on the applicant. The downtown area is a symbol of community economic health, local quality of life, pride, and community history. A thriving downtown preserves a sense of place and promotes the economic well-being of its residents (Camden Comprehensive Plan, June 14, 2005). **[Added 11-2-2010; amended 7-14-2020]**

- (1) The wall of the building facing a street or the Harbor shall be treated as a front facade and shall incorporate pedestrian-scale design features such as doors and windows to create a character that complements the overall visual character of the streetscape.
- (2) The roof shall be designed to maintain the overall visual character of the streetscape, to the extent practical.
- (3) Building scale should take into consideration the unique qualities and character of the surrounding area. Buildings should reduce their apparent bulk by dividing the building mass into several smaller-scaled components.
- (4) Siding should be visually compatible with other exterior finishes on the building and with those buildings to which it is visually related. Any quality material that simulates traditional features will be considered on a case-by-case basis.
- (5) Awnings shall complement the overall visual character of the district. Rigid metal or plastic awnings are prohibited.
- (6) Other than general lighting for the commercial space, there shall be no spotlights, flashing lights or strobe lights other than permitted lighting for signage.
- (7) Buildings with historic features or specific architectural details shall preserve those features and details to the maximum extent feasible.

L. Overlay design standards for the Business Opportunity Zone (BOZ), Article VIII, § 290-8.16, which are in addition to and/or supersede the standard district regulations for the parcel's (parcels') current zone. **[Added 6-9-2015]**

- (1) Floor area ratio (FAR), building height and design:
 - (a) A maximum FAR (floor area ratio) of 2.0 is permitted. Floors below grade shall not be included in FAR calculations.
 - (b) Buildings are encouraged to be taller with more floors (rather than low and wide). Height is limited to three usable floors above grade. Maximum height for a building with a flat roof, 33 feet; with a parapet added, 37 feet; and with a sloped roof, 46 feet maximum height.
 - (c) Any continuous wall greater than 50 feet in length shall be interrupted by a different wall plane or an architectural feature of at least eight feet in length.
- (2) Landscaping.
 - (a) Landscaping sufficient to ring the boundaries of the developed space along the property line is required. A total of one major native species deciduous tree, 10 inches to 14 inches tall, three inches to four inches diameter at breast height (dbh) or two six-foot to eight-foot conifers or two six-foot- to eight-foot-tall flowering trees is required for each 75 feet of property line length, with

a minimum that 50% of these trees shall be major trees. The trees shall be placed along the borders of the property in order to provide required screening and in locations where they will appear as if they grew there naturally based on other existing vegetation, topography and relation of the buildings to neighboring properties. In addition, 12 two-foot- to three-foot-tall shrubs per acre are required. The shrubs shall be located to act as screening or to highlight design features such as entry doors, sidewalks and signage. Landscape berms, placed boulders and plant groupings are encouraged to make the site more attractive. For any multilot applications submitted for BOZ approval as one application, the property line for landscape calculations shall be the property boundary between the properties constituting the site plan and any adjacent properties.

- (b) Preservation of existing specimen trees or beneficial naturally vegetated areas is encouraged and can be considered as a possible partial offset to the required landscaping.
- (3) Utilities. Utilities, including electric, phone, cable and propane, shall be buried on-site.
- (4) Parking. Parking requirements within the BOZ may be flexible, and creative parking solutions are encouraged such as the use of motorcycle or bicycle parking areas. Parking shall be 80% of the standard parking requirements for the total of all uses based on the requirements of Article XA, § 290-10A.5; however, no grandfathered spaces or fees in lieu of spaces are allowed. Parking areas should be grouped so that multiple buildings will utilize adjacent spaces, and businesses should consider shared parking. Service areas (dumpsters, etc.) shall be screened.
- (5) Traffic. Traffic is to be controlled so that businesses within the BOZ can send out delivery trucks in the morning and receive them back at end of day.

§ 290-12.7. Expiration of approval. [Amended 7-14-2020]

Approval of the site plan and any building permit issued for development within the scope of this chapter shall expire after a period of 24 months after the date of site plan approval if development has not begun.

§ 290-12.8. Site plan compliance, adjustments, amendments and revisions to approved site plans.

- A. All projects that receive site plan approval under Article XII, § 290-12.1, and those that receive approvals under Article XII, § 290-12.8B through D (below), must be constructed and shall be maintained in accordance with the latest dated, approved plans and supporting documentation and approved submittal materials.
- B. Minor field adjustments. The Code Enforcement Officer may approve and allow minor field adjustments to an approved site plan if the Code Enforcement Officer is satisfied that such changes have no adverse effect upon approval criteria or conditions of approval.
- C. Minor revisions. Minor revisions to approved site plans may be permitted by the Code Enforcement Officer subject to the following conditions:
 - (1) Three copies of the proposed revised plan and supporting documentation, along with an electronic copy showing the revision(s), must be submitted to the Code Enforcement Officer with applicable fees, as determined by the Select Board
 - (2) The Code Enforcement Officer and the Planning and Development Director after consultation with the Director of Public Works and the Fire Chief shall agree that the proposed change is a minor revision and that the proposed change does not violate provisions of this chapter or materially change a plan approved by the Planning Board.
 - (3) If any of the persons listed in Subsection C(2) above requests it, the proposed plan revision will be placed on the agenda of the next Planning Board meeting for the Board's review.
 - (4) Minor revisions to approved site plans may be approved by the Code Enforcement Officer, provided

that such minor revision will not materially alter the layout or scale of the development nor its impact on its surroundings, nor will it specifically:

- (a) Expand the size of a project by increasing the gross floor area of a primary use structure or by adding a primary use structure or an accessory use structure containing more than 200 square feet of gross floor area to the site.
- (b) Violate the provisions of any Town ordinance.
- (c) Delete any required landscaping or screening elements.
- (d) Change the number of vehicular access points to the public street system or significantly alter the location of such access drives.
- (e) Significantly alter on-site vehicular circulation.

D. Site plan amendments. For proposals that are not minor field adjustments or minor revisions, and which do not trigger site plan review detailed in Article XII, the Planning Board may allow amendments to an approved site plan without requiring a new site plan application if the Board is satisfied by majority vote that such amendment has only a minor or no new effect upon approval criteria or conditions of approval.

- (1) For the purposes of this section, an "amendment to an approved site plan" is one that is not a minor field adjustment as allowed in Subsection B above, or a minor revision as detailed in Subsection C(1) through (4) above, and one that does not require site plan review under in Article XII, § 290-12.1A(1) through (9).
- (2) For amendments to an approved site plan, the applicant must submit six copies of the proposed plan and supporting documentation, along with an electronic copy, showing the proposed changes. The applicant shall also submit applicable fees as may be determined by the Select Board.

E. Notice of the consideration of a request for an amendment to a site plan by the Planning Board shall be accomplished by posting the agenda and publication at least seven days prior to the Planning Board meeting.

ARTICLE XIII
Historic Resources Committee

§ 290-13.1. Appointment and composition.

There shall be an Historic Resources Committee which shall consist of five members and two alternates, all of whom shall be residents of the Town appointed by the Selectmen. Members of the Committee shall have demonstrated an interest in the historical and architectural character of the Town and shall be appointed with due regard to proper representation of such fields as history, architectural history, architecture, landscape architecture, and archaeology to the extent such individuals are available in the community. Members shall serve staggered, three-year terms and no member may serve more than two consecutive terms.

§ 290-13.2. Procedures.

The Committee shall establish procedures necessary for the execution of its duties as set forth in this chapter. All meetings of the Committee shall be open to the public, and the Committee shall keep a record of its resolutions, proceedings, and actions.

§ 290-13.3. Duties.

The Committee shall be authorized to:

- A. Conduct a survey of historic resources within Camden and maintain a record of such resources. These resources shall include buildings, building sites, designed landscapes, prehistoric sites and materials, and documents relating to these.
- B. Recommend methods and procedures necessary to preserve, restore, maintain, and operate historic sites and properties owned by the Town.
- C. Review alterations, relocation, and demolition of designated historic properties owned by the Town.
- D. Review all proposed nominations to the National Register for properties owned by the Town.
- E. Recommend ordinances and otherwise provide information for the purposes of historic preservation within the Town, including evaluations of the potential impacts of proposed governmental projects on properties within the Town's designated historic areas, pursuant to Article X, § 290-10.4, of this chapter.
- F. Act in an advisory role to other officials and departments of local government, regarding the protection of local historic resources.
- G. Act as local liaison on behalf of local government to individuals and organizations concerned with historic preservation.
- H. Promote and conduct an educational and interpretive program on historic preservation and historic properties and sites within the Town.
- I. Cooperate with federal, state, and local governments in the pursuit of the objectives of historic preservation.
- J. Participate in the conduct of land use and other planning processes undertaken by the Town, the state or federal government and the agencies of those entities.
- K. Review demolition permit applications per Article V, § 290-5.2A(1). **[Added 7-14-2020]**

ARTICLE XIV
Regulation of Private Ways

§ 290-14.1. Purpose and applicability.

The purpose of the regulation of private ways is to control the development, construction or use of private ways providing vehicular access to a lot or a principal use in such a manner as to avoid safety hazards and undue burdens on municipal services, including emergency vehicle accessibility. In order to accomplish that purpose, this article shall apply to the following activities:

- A. The development, construction, or use of a private way constructed after June 9, 1998, which has a length of more than 500 feet, for the purpose of vehicular access to a lot of land or a principal use on a lot or to meet the frontage requirements in this chapter; and
- B. The extension of or addition to a private way constructed on or before June 9, 1998, which provides vehicular access to serve additional lots or additional principal uses which were not served by the existing private way, in combination with an existing private way, which is more than 500 feet in length (such length shall be measured from the terminus of the portion of an existing private way which meets the approval criteria set forth in this chapter in Article XIV, § 290-14.4, or, in the event that no portion of the existing private way meets those approval criteria, then such length shall be measured from a Town road or approved subdivision right-of-way which does meet the approval criteria set forth in that section of this chapter).

§ 290-14.2. Application.

For private ways within the scope of § 290-14.1A and B above, no private way shall be developed, constructed, or used after June 9, 1998, and no private way constructed prior to June 9, 1998, shall be extended to serve additional lots or principal uses until a permit for that private way has been approved by the Planning Board and the permit issued for that purpose.

- A. A complete application for approval of a private way shall be submitted at least 15 days prior to the Planning Board meeting at which the applicant wishes to be heard. Within 30 days after the date on which the application for approval of a private way first appears on the Planning Board agenda, the Planning Board shall act to approve, approve with conditions, or disapprove the application for the permit. During this thirty-day period, the Board may schedule an on-site visit.
- B. An application for a permit for a private way shall contain, at least, the following information:
 - (1) Applicant's name and address;
 - (2) Name and addresses of all abutting lot owners served by the private way;
 - (3) A plan prepared by a registered land surveyor, which shall delineate the existing and the proposed private way and each of the lots to be served by the private way, and that plan shall be labeled "Plan of a Private Way";
 - (a) The plan shall bear a note that the Town of Camden shall not be responsible for the maintenance, repair, plowing or sanding of the private way and that further lot divisions utilizing the private way are prohibited without the prior approval of the Planning Board.
 - (b) The plan shall show the intersection of the private way with any public way or Town road and the sight distances from that intersection on both approaches to the private way from the public way or Town road.
 - (4) A maintenance agreement shall be submitted with the application, and that maintenance agreement shall specify, in writing, the rights and responsibilities of each lot owner with respect to maintenance, repair, plowing and sanding of the private way, except as stated otherwise in § 290-14.4I of this article;

- (5) A stormwater drainage and erosion control plan prepared by an engineer or landscape architect registered in the State of Maine, showing:
 - (a) The proposed method of handling stormwater runoff;
 - (b) The direction or flow of run off through the use of arrows; and
 - (c) The location of drainage ditches, swales, retention basins, and other features designed to regulate or control drainage.
- (6) The applicant shall submit such further information as the Planning Board may require in circumstances in which the Planning Board determines that, due to the scale, nature of the proposed private way, or the impact of the private way on safety considerations, such information is necessary to ensure compliance with the intent and purposes of this article of this chapter.

§ 290-14.3. Waiver of submission requirements.

The Planning Board may modify or waive any of the submission requirements or application requirements when it determines that, because of the size of the project or circumstances of the proposed private way, such requirements would not be applicable or would be an unnecessary burden on the applicant and that such modification or waiver would not adversely affect the safety of the private way, or unduly increase the burden on municipal services, or defeat the purposes of this article.

§ 290-14.4. Approval criteria.

The following criteria shall be used by the Planning Board in approving applications for a private way and shall serve as minimum requirements for the approval of the issuance of such a permit for a private way. In all instances, the burden of proof shall be on the applicant to demonstrate that the criteria have been met. The Planning Board shall issue a permit for the private way when all of the following criteria are met:

- A. A turnout to provide space for two vehicles to pass, measuring a minimum of 10 feet wide by 50 feet long, shall be provided for every 500 feet of a private way. For a diagram of § 290-14.4A, see Schedule A attached to this chapter and incorporated by reference herein.
- B. The private way shall establish and maintain a minimum of 14 feet of vertical clearance.
- C. The private way shall be designed so that the private way shall not be subject to seasonal flooding or washout and the Planning Board may require, as a condition of approval, drainage ditches and culverts to meet these criteria.
- D. The intersection of a private way with a public way or Town road shall not present a safety hazard, and there shall be sufficient sight distance from that intersection in both directions along the public way or Town road.
- E. The intersection of the private way with driveways and the steepness of the private way shall not cause a hazard to pedestrian or vehicular traffic.
- F. The maintenance agreement submitted by the applicant shall adequately specify the rights and responsibilities of each lot owner with respect to maintenance, repair, plowing and sanding of the private way so that the private way is properly maintained and repaired.
- G. Dead ends in a private way of more than 500 feet in length shall have a solid, paved circle with a minimum radius of 40 feet, or a turnaround that is a minimum of 20 feet wide and 40 feet deep and located at least 40 feet and no more than 60 feet from the dead end. For a diagram in connection with this approval criteria, see Schedule A attached to this chapter and incorporated by reference into this chapter.
- H. The proposed private way, as depicted on the survey plan, shall provide for safe access to and egress from

driveways to the private way and from the private way to the public way or Town road and shall meet the following minimum construction standards:

- (1) Minimum roadway width: 10 feet.
- (2) Minimum width of right-of-way: 30 feet.
- (3) Minimum subbase (six-inch minus): 12 inches.
- (4) Minimum wearing surface (one-inch minus): two inches.
- (5) Maximum grade: 10%.
- (6) Minimum grade: 0.5%.

- I. For an application for the extension or addition to an existing private way constructed on or before June 9, 1998, the Board shall not require that the existing portion of the private way meet the approval criteria set forth above or that the applicant submit a maintenance agreement for lot owners served prior to that date by the existing private way, but the Board can disapprove a permit for such extension or addition to that, private way on grounds that the existing portion of the private way does not meet the criteria above, or the Board may add as a condition of the Board's approval a requirement of compliance of that existing private way with the criteria set forth above.

§ 290-14.5. Expiration of approval.

The approval of the issuance of a permit for the construction and use of a private way within the provisions of this article of this chapter shall expire after a period of 24 months after the date of approval if the private way has not been completed and the use of that private way commenced.

§ 290-14.6. Recording plan.

The survey plan delineating the proposed private way, including any conditions required for approval by the Planning Board, shall be recorded in the Knox County Registry of Deeds within 90 days of the date of approval by the Planning Board. If the survey plan is not recorded within this time period, the approval shall be null and void.

§ 290-14.7. Appeal.

- A. An appeal from a decision of the Planning Board concerning a permit for a private way may be filed by an aggrieved party with the Zoning Board of Appeals. Such an appeal shall be filed no more than 15 days after the date of the mailing of the written decision of the Planning Board to the applicant. The Zoning Board of Appeals shall have no authority to decide any appeal that is not filed within that fifteen-day period.
- B. A decision of the Zoning Board of Appeals concerning an appeal of a decision of the Planning Board shall be appealable to Superior Court within 45 days after that decision as provided by Title 30-A M.R.S.A. § 2691, as the same shall be amended from time to time.

§ 290-14.8. Definition of private way.

For purposes of Article XIV only, a "private way" shall mean a right-of-way used for vehicular access from a public way or a Town road to a lot or a principal use on a lot in the event that the right-of-way used for that vehicular access is more than 500 feet in length, or for an extension of existing private way with a length of more than 500 feet, with the length measured as set forth in Article XIV, § 290-14.1B. Private ways constructed and used after June 9, 1998, shall meet the requirements of Article XIV (as amended) of this chapter.

ARTICLE XV
Amendment and Other Interpretive Provisions

§ 290-15.1. Interpretation.

Interpretation of what may not be clear in this chapter shall be according to the intent of this chapter and the Comprehensive Plan.

§ 290-15.2. Conflict with other provisions. [Amended 11-10-2009]

Whenever the provisions of this chapter conflict with or are inconsistent with those of another ordinance or other regulations administered by the municipality, or wherever the regulations of one part of this chapter conflict with another part of this chapter, the stricter shall apply, except as expressly stated otherwise in this chapter.

§ 290-15.3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

§ 290-15.4. Amendment.

- A. No land use regulation or amendment thereof or change in the Official Zoning Map shall be adopted until after the Selectmen of the Town have held a public hearing thereon at least 10 days before it is submitted to the legislative body for consideration. Public notice of the hearing shall be made at least 10 days prior to the hearing. Amendments to this chapter shall be considered following petition, recommendation of the Planning Board, or motion of the Selectmen. The petitioner shall bear the cost of advertising and of any postage for notification of neighboring property owners.
- B. Any amendments dealing with the shoreland area shall be effective only upon approval of the Commissioner of Department of Environmental Protection. Within 14 days following adoption of any shoreland amendments, the Municipal Clerk shall send a certified copy of the amendments to the Commissioner of Department of Environmental Protection for approval. If the Commissioner of Department of Environmental Protection fails to act on the amendments within 45 days of the Department's receipt of the certified copy, the amendments shall be deemed to be approved. Any application submitted to the Town within the forty-five-day review period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner of Department of Environmental Protection.

§ 290-15.5. When effective; repealer; effect of prior provisions.

- A. This chapter herein shall be enacted and be of full force and effect on the day following the date of approval of this chapter by the voters of the Town of Camden at a Town Meeting, and any zoning ordinance of the Town of Camden in effect prior to the date of enactment of this chapter shall be repealed as of that date.
- B. Persons who have applied for permits or approval or filed appeals under terms of the previous Zoning Ordinance for the Town of Camden and prior to its repeal shall be governed by the terms of said previous ordinance, unless they elect, in writing to the Code Enforcement Officer, to be governed by the terms of this chapter.

§ 290-15.6. Availability.

A copy of this chapter certified by the Chairman of the Board of Selectmen shall be filed with the Town Clerk and the Code Enforcement Officer and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of the availability of this

chapter shall be posted in the office of the Town Clerk.

State Law Reference: 12 M.R.S.A. § 4811;²¹ 23 M.R.S.A. § 1901 et seq.; 30 M.R.S.A. §§ 2411, 4961 to 4966, § 4956;²² 30-A M.R.S.A. § 4358.

21. Editor's Note: 12 M.R.S.A. § 4811 was repealed 7-1-1985 by Laws 1985, c. 481.

22. Editor's Note: See now 30-A M.R.S.A. § 3001 et seq.