

## **CAMDEN PLANNING BOARD**

### **AGENDA**

**Thursday July 20, 2023**

5 pm French Conference Room

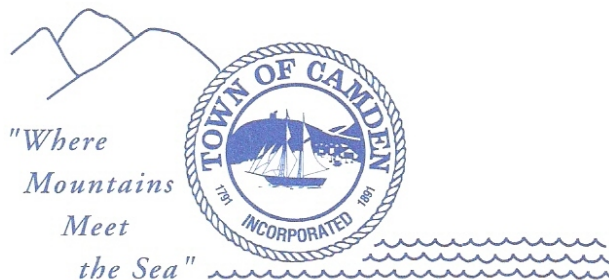
<https://us02web.zoom.us/j/89942017351?pwd=Y1ZWVmVCa3o3cmI5Z3pJSUJCakhSdz09>

The Meeting will be held in person, available *via* the Zoom link above (which can also be found on the Town Calendar at [www.CamdenMaine.gov](http://www.CamdenMaine.gov)), and streamed at [www.youtube.com/TownofCamdenMaine](http://www.youtube.com/TownofCamdenMaine). The public can submit comments in advance of the meeting by mail to Town of Camden, Post Office Box 1207, Camden, Maine 04843, Attention: Codes, by email to [sneely@camdenmaine.gov](mailto:sneely@camdenmaine.gov); or by phone to (207) 236-3353 X7112.

1. PUBLIC COMMENT – NON-AGENDA ITEMS
2. PROPOSED ZONING ORDINANCE AMENDMENTS: PUBLIC HEARINGS: State-mandated Housing Rules:  
  
Part 1: Affordable Housing Opportunities  
Part 2: Opportunities for Increased Density
3. RECAP: Workshop with Select Board: Next Step
4. NEXT MEETING:  
August 3: TBD NordHavn Camden, LLC Subdivision: Request for Amendment

Office of:

Town Manager  
Tax Assessor  
Tax Collector  
Town Clerk  
Treasurer  
Code Officer  
Finance Director  
Harbor Clerk



Town Office

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## MEMORANDUM

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To: Ethan Shaw, Chair, Camden Planning Board  
Camden Planning Board  
From: Shenley Neely, Planner  
Date: July 20, 2023  
Re: Planning Board Proposed Zoning Ordinance Amendments  
Public Hearings for State-Mandated Housing Rules

To alleviate housing affordability issues in Maine, the State of Maine is now requiring towns and cities to increase the housing density allowed by their zoning ordinance. The Board has held several workshops on these new requirements, most recently on May 4<sup>th</sup>, May 18<sup>th</sup>, and July 6, 2023.

Per the new law, there are three approaches to implementing the required changes of allowing increased housing densities in all towns and municipalities. These are:

**#1. Require municipalities to allow additional units on lots zoned for single-family homes;**

**#2. Require municipalities to allow at least one accessory dwelling unit on lots with existing single-family homes; and**

**#3. Require municipalities to allow 2 ½ times the base density of currently allowed housing units for developments, in certain identified "growth areas", if the development meets the definition of "affordability".**

The proposed ordinance changes before you tonight implement **#1** and **#3** of the above-required approaches. As discussed at our workshops, a consensus was reached that the best way to implement approach **#3** was to create an Affordable Housing Overlay Zone (AHOZ). Implementation of **#1** included changes to the Space and Bulk Standards Table for each applicable zoning district, to allow for the increased densities if other existing requirements (except for increased parking) are met (such as setbacks, lot coverage, shoreland zoning, subdivision ordinances, etc.).

## PROPOSED AMENDMENT #1:

### § 290-8.17

### Affordable Housing Overlay Zone (AHOZ)

#### **A. Purpose**

To create overlay districts intended to provide additional opportunities for the construction of affordable housing pursuant to the **State of Maine's Housing Opportunity Program: Municipal Land Use And Zoning Ordinance Rule**, while assuring the continued provision of compact, pedestrian-oriented, livable development that fits with the existing scale and character of the neighborhood in which it is located.

#### **B. Definitions**

##### **AFFORDABLE HOUSING DEVELOPMENT (RENTAL UNITS):**

A development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development (HUD), can afford a majority (more than half of proposed and existing units on the same lot) of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

##### **AFFORDABLE HOUSING DEVELOPMENT (OWNERSHIP UNITS):**

A development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development (HUD) can afford a majority (more than half of proposed and existing units on the same lot) of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

##### **BASE DENSITY:**

The maximum number of dwelling units allowed on a lot not used for affordable housing based on dimensional requirements in local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

##### **DESIGNATED GROWTH AREA:**

An area that is designated in the Town's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed.

##### **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. Recreational vehicles are not residential dwelling units. A dwelling unit may not be rented for periods of seven (7) consecutive days.

##### **HOUSING COSTS:**

Include, but are not limited to:

Rental Unit: The cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

Ownership Unit: The cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

**LONG-TERM AFFORDABILITY:**

Required for a majority (more than 50%) of the units of all affordable housing developments and is enforced by the town. The property owner of the affordable housing development, either as a rental or as an owned property, must maintain "affordability" of a majority of the units for at least thirty (30) years after completion of construction. An "affordable housing development", as defined in this section, must be maintained by a restrictive covenant enforceable by a party acceptable to the town. The covenant must be recorded with the Knox County Registry of Deeds prior to the granting of a certificate of occupancy or other final approval of an affordable housing development.

**MULTIFAMILY DWELLING:**

One or more buildings used for residential occupancy by more than two families, each living independently of the other.

**RESTRICTIVE COVENANT:** A provision in a deed, or other covenant conveying real property, restricting the use of the land.

**C. Enforcement and Monitoring of Long- Term Affordability**

The owner(s) of affordable housing development(s) are required to maintain the long-term (at least 30 years) affordability of more than 50% of a proposed affordable housing development. Owners of such developments are required to submit to the Town of Camden an *Annual Compliance Report* form certifying compliance with all requirements of Long-Term Affordability.

A restrictive covenant providing for long-term affordability for a minimum of 30 years for proposed affordable housing developments must be recorded with the Knox County Registry of Deeds after project approval by the Planning Board and before the granting of a Certificate of Occupancy by the town's Planning and Development Department.

**D. Increased Dwelling Unit Allowances for Affordable Housing Developments**

1. Affordable housing developments are permitted only within the following zoning districts found below in Table 1. Proposed affordable housing developments shall meet all requirements of this section, as well as those of the applicable individual zoning districts described in **Chapter 290 Article VIII District Standards**. When a conflict exists between requirements of this section and another, with regards to permitted densities, the less stringent or more permissive shall prevail:

#### **E. Enforcement and Monitoring of Long- Term Affordability**

The owner(s) of affordable housing development(s) are required to maintain the long-term (at least 30 years) affordability of more than 50% of a proposed affordable housing development. Owners of such developments are required to submit to the Town of Camden an *Annual Compliance Report* form certifying compliance with all requirements of Long-Term Affordability.

A restrictive covenant providing for long-term affordability for a minimum of 30 years for proposed affordable housing developments must be recorded with the Knox County Registry of Deeds after project approval by the Planning Board and before the granting of a Certificate of Occupancy by the town's Planning and Development Department.

#### **F. Increased Dwelling Unit Allowances for Affordable Housing Developments**

2. Affordable housing developments are permitted only within the following zoning districts found below in Table 1. Proposed affordable housing developments shall meet all requirements of this section, as well as those of the applicable individual zoning districts described in **Chapter 290 Article VIII District Standards**. When a conflict exists between requirements of this section and another, with regards to permitted densities, the less stringent or more permissive shall prevail:

**Table 1:**

| <b><u>Multifamily<br/>Zoning Districts<br/>Within the AHOZ</u></b> | <b><u>Public<br/>Water &amp;<br/>Sewer<br/>Required?</u></b> | <b><u>* Minimum Lot Area<br/>Per Dwelling Unit at<br/>2.5 x Base Density</u></b> | <b><u>Parking<br/>Requirements</u></b>   |
|--|--|--|--|
| <u>VE- Village Extension<br/>(Open Space<br/>Subdivision )</u>     | <u>Yes</u>   | <u>Public sewer: 2 dwelling<br/>units per 5,000 sq. ft.</u>                      | <u>No more than two (2) off-<br/>street parking spaces for<br/>every three (3) dwelling<br/>units.</u> |
| <u>V- Traditional Village</u>                                      | <u>Yes</u>   | <u>2 dwelling units per 5,000<br/>sq. ft</u>                                     | <u>No more than two (2) off-<br/>street parking spaces for<br/>every three (3) dwelling<br/>units.</u> |
| <u>B-1 Downtown<br/>Business</u>                                   | <u>Yes</u>   | <u>State minimum sq. ft. for<br/>dwelling unit</u>                               | <u>Exempt</u>  |
| <u>B-2 Highway<br/>Business</u>                                    | <u>Yes</u>   | <u>2 dwelling units per 7,500<br/>sq. ft.</u>                                    | <u>No more than two (2) off-<br/>street parking spaces for<br/>every three (3) dwelling<br/>units.</u> |
| <u>B-3 Traditional<br/>Business</u>                                | <u>Yes</u>   | <u>2 dwelling units per 7,500<br/>sq. ft.</u>                                    | <u>No more than two (2) off-<br/>street parking spaces for<br/>every three (3) dwelling<br/>units.</u> |
| <u>B-4 Neighborhood<br/>Service</u>                                | <u>Yes</u>   | <u>2 dwelling units per 7,500<br/>sq. ft.</u>                                    | <u>No more than two (2) off-<br/>street parking spaces for<br/>every three (3) dwelling<br/>units.</u> |

|   |                     |  |  |
|---|---------------------|--|--|
| <a href="#">B-R River Business</a>                | <a href="#">Yes</a> | <a href="#">2 dwelling units per 1,500 sq. ft.</a> | <a href="#">No more than two (2) off-street parking spaces for every three (3) dwelling units.</a> |
| <a href="#">B-H Harbor Business</a>               | <a href="#">Yes</a> | <a href="#">2 dwelling units per 1,500 sq. ft.</a> | <a href="#">No more than two (2) off-street parking spaces for every three (3) dwelling units.</a> |
| <a href="#">B-TH Transitional Harbor Business</a> | <a href="#">Yes</a> | <a href="#">2 dwelling units per 1,500 sq. ft.</a> | <a href="#">Exempt</a>   |
|   |                     |  |  |

\*Density bonus (2.5 times the base density, rounded down) awarded if proposed meets all applicable standards of this section, the state minimum lot size, shoreland zoning area standards, subdivision ordinance, as well as all other applicable individual zoning district standards as provided for in the Zoning Ordinance.

3. Owner provides written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:
  - a. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
  - b. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
  - c. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
4. Prior to granting a certificate of occupancy or other final approval of an affordable housing development, the town must require that the owner of the affordable housing development (i) execute a restrictive covenant that is enforceable by a party acceptable to the Town; and (ii) record the restrictive covenant with the Knox County Registry of Deeds to ensure the development maintains long term affordability by requiring that a majority (more than 50%) of the units meet the definition of affordability for at least thirty (30) years after completion of construction.

For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

For ownership housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

5. Off-street parking for affordable housing development, except those located within B-1 and B-TH zoning districts, shall be at a rate of two (2) parking spaces for every three (3) dwelling units. Affordable housing developments shall meet all other requirements of Article XA Off-street Parking and Loading Standards. Where any conflict exists between ordinances regulating off-street parking, the less stringent shall apply to affordable housing developments.

#### **G. Screening**

Multifamily uses abutting a single-family residential use on a separate lot of record or district shall provide screening in accordance with the standard 290-10A.4 of this Chapter.

#### **H. 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.

#### **I. Historic Areas**

Properties within historic areas shall comply with the additional standards set forth in Article X, 290-10.4 of this Chapter.

#### **J. Application and Implementation**

Affordable housing development project owner or developer shall notify the Director of Planning and Development Office that they intend to apply for an Affordable housing development building permit.

### **ARTICLE Open Space Zoning**

#### **§ 290-9.1 Purpose.**

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. **[Amended 6-20-2007]**

#### **§ 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- or for lots proposed as part of an Affordable Housing Development.

## PROPOSED AMENDMENT #2

### Article IV Establishment of Districts

#### § 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: ...
- 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~~ There are two additional overlay zones, the Affordable Housing Overlay Zone (AHOZ) and the Business Opportunity Zone (BOZ). ~~The BOZ~~ 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.

### Article VIII District Regulations

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

There are no changes proposed to this District.

#### § 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.
- E. Standards.
  - (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 |



| Type of Use  | Requirement                                 |
|--|---|
| Minimum lot area per dwelling unit                                   | <del>60,000</del> <u>20,000</u> 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 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                                     |

**§ 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.

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                                    | <del>60,000</del> <u>20,000</u> 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, § <b>290-10.2M(10)</b>       |
| 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     |

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

No changes are proposed for this District.

§ 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.

E. Standards.

(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 | <del>30,000</del> <u>10,000</u> square feet | <del>40,000</del> <u>20,000</u> square feet |
| Accessory apartment                | No increase in lot area required            | No increase in lot area required            |
| Minimum street frontage            |   |   |
| Residential                        | 100 feet                                    | 150 feet                                    |

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

**§ 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:

(a) Uses listed in § **290-8.1**, Natural Resource Protection District, Subsection **B**, of this article.

(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**.

(d) Mobile home parks.

(e) Accessory apartments.

(f) Multifamily dwellings. **[Added 6-14-2022]**

[\(g\) Multifamily dwellings as part of an Affordable Housing Development. See Section 8.17.](#)

(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 <u><a href="#">(with no existing dwelling unit, may allow up to 4 dwelling units)</a></u> | <del>10,000</del> <u><a href="#">2,500</a></u> square feet | 20,000 square feet                        |
| <u><a href="#">Single-family (with one existing dwelling unit, may allow up to 2</a></u>                | <u><a href="#">3,333 square feet</a></u>                   | <u><a href="#">20,000 square feet</a></u> |

| Type of Use  | Sewer   | No Sewer                      |
|--|---|-------------------------------|
| <a href="#">additional dwelling units</a>  |   |                               |
| Accessory apartments   | No increase in lot area required (see definition)   | 20,000 square feet            |
| Two-family dwellings   | <del>No increase in lot area required</del><br><a href="#">2,500 square feet</a>  | 20,000 square feet            |
| Multifamily dwellings (as part of open space subdivisions)   | 5,000 square feet   | Not permitted                 |
| <a href="#">Multifamily dwellings (as part of an Affordable Housing Development)</a>                           | <a href="#">See Section 8.17</a>  | <a href="#">Not permitted</a> |
| 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  |   |                               |
| 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 | 25 feet                       |

| Type of Use            | Sewer   | No Sewer                       |
|------------------------|---|--------------------------------|
|                        | <p>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.</p> |                                |
| 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                        |

| Type of Use  | Sewer   | No Sewer  |
|--|---|---|
| Side and back yard for nonresidential use abutting a residential use | 25 feet   | 25 feet   |
| Maximum building coverage  | 25%   | 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 | 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 |



| Type of Use  | Sewer   | No Sewer |
|--|---------|----------|
| 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) below                                  |         |          |

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

(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                      | <del>10,000</del> <u>3,333</u> square feet                              |
| Accessory apartments               | No increase in lot area required (see definition)                       |
| Two-family dwellings               | <del>No increase in lot area required</del><br><u>3,333 square feet</u> |

| Type of Use  | Requirement   |
|--|---|
| Multifamily dwellings  | <del>5,000 square feet</del> <a href="#">3,333 square feet</a>  |
| <a href="#">Multifamily dwellings (as part of an Affordable Housing Development)</a> | <a href="#">See Section 8.17</a>  |
| Congregate housing   | 3,000 square feet   |
| Minimum street frontage  |   |
| Residential  | 75 feet   |
| Nonresidential   | 75 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. |
| 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   |

| Type of Use  | Requirement   |
|--|---|
|  | 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   |

§ 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.

There are no changes proposed to this District.

§ 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.

- E. Standards.

(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   | <del>10,000</del> <u>3,333</u> square feet | <del>40,000</del> <u>20,000</u> square feet |
| Accessory apartments  | No increase in lot area required           | No increase in lot area required            |
| Two-family dwellings  | <del>7,500</del> <u>3,333</u> square feet  | <del>40,000</del> <u>20,000</u> square feet |
| Multifamily dwellings   | <del>7,500</del> <u>3,333</u> square feet  | Not permitted                               |
| <u>Multifamily dwellings (as part of an Affordable Housing Development)</u> | <u>See Section 8.17</u>                    | <u>Not permitted</u>                        |
| Congregate housing  | 3,000 square feet                          | Not permitted                               |
| Minimum street frontage   |  |   |
| Residential   | 75 feet                                    | 100 feet                                    |

| Type of Use   | Sewer                          | No sewer                       |
|---|--------------------------------|--------------------------------|
| 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%                            |

| Type of Use                          | Sewer   | No sewer |
|--------------------------------------|---------|----------|
| Maximum building or structure height |         |          |
| Residential                          | 30 feet | 30 feet  |
| Nonresidential                       | 30 feet | 30 feet  |

§ 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.

E. Standards.

(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   | <del>40,000</del> <u>3,333</u> square feet | <del>40,000</del> <u>20,000</u> square feet |
| Accessory apartments  | No increase in lot area required           | No increase in lot area required            |
| Two-family dwellings  | <del>7,500</del> <u>3,333</u> square feet  | <del>40,000</del> <u>20,000</u> square feet |
| Multifamily dwellings   | <del>7,500</del> <u>3,333</u> square feet  | Not permitted                               |
| Multifamily <u>(as part of an Affordable Housing Development)</u> | <u>See Section 8.17</u>                    | <u>Not permitted</u>                        |
| Congregate housing  | 3,000 square feet                          | Not permitted                               |

| Type of Use             | Sewer   | No Sewer |
|-------------------------|---|----------|
| 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 | 25 feet  |

| Type of Use  | Sewer   | No Sewer                       |
|--|---|--------------------------------|
|  | <p>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.</p> |                                |
| 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%                            |



| Type of Use                          | Sewer   | No Sewer  |
|--------------------------------------|---|---|
| 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  |

§ 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.

E. Standards.

(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   | <del>10,000</del> 3,333 square feet | <del>30,000</del> 20,000 square feet |
| Accessory apartments  | No increase in lot area required    | No increase in lot area required     |
| Two-family dwellings  | <del>7,500</del> 3,333 square feet  | <del>10,000</del> 20,000 square feet |
| Multifamily dwellings   | <del>7,500</del> 3,333 square feet  | Not permitted                        |
| <u>Multifamily dwellings (as part of an Affordable Housing Development)</u> | <u>See Section 8.17</u>             | <u>Not permitted</u>                 |
| Congregate housing  | 3,000 square feet                   | Not permitted                        |
| Minimum street frontage   |                                     |                                      |
| Residential   | 75 feet                             | 100 feet                             |

| Type of Use            | Sewer  | No Sewer              |
|------------------------|--|-----------------------|
| Nonresidential         | 100 feet   | 100 feet              |
| Minimum setbacks       |  |                       |
| Residential            |  |                       |
| 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- |

| Type of Use  | Sewer   | No Sewer  |
|--|---|---|
|  |   | <b>10.2M(10)</b>  |
| 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  |   |   |
| 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                                   |   |   |

| Type of Use           | Sewer   | No Sewer |
|-----------------------|---------|----------|
| buildings on same lot |         |          |
|                       | 30 feet | 30 feet  |

§ 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.

(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   | <del>1,500</del> 500 square feet   |
| Two-family dwellings  | <del>1,500</del> 500 square feet   |
| Multifamily dwellings   | <del>1,500</del> 500 square feet   |
| <a href="#"><u>Multifamily dwellings (as part of an Affordable Housing Development)</u></a> <a href="#"><u>See Section 8.17</u></a> |  |
| 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 |

| Type of Use  | Requirement   |
|--|---|
| 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  |   |
| General  | 100%, subject to the requirements in Article <b>VIII</b> , § <b>290-8.12E(3)</b> , 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 <b>VIII</b> , § <b>290-8.12E(3)</b>   |
| 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   |

| Type of Use  | Requirement   |
|--|---|
| 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.
- (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.

§ 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.

E. Standards.

(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   | <del>5,000</del> <u>1,666</u> square feet |
| Two-family dwellings  | <del>5,000</del> <u>1,666</u> square feet |
| Multifamily dwellings   | <del>4,500</del> <u>1,666</u> 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                                   |



| Type of Use  | Requirement |
|--|-------------|
| 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)

**§ 290-8.14 Industrial District (I).**

There are no changes proposed to this District.

**§ 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.

E. Standards.

(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                      | <del>1,500</del> <u>500</u> square feet |
| Two-family dwellings               | <del>1,500</del> <u>500</u> square feet |
| Multifamily dwellings              | <del>1,500</del> <u>500</u> square feet |
| Minimum street frontage            | None                                    |

| Type of Use   | Requirement   |
|---|---|
| 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   |   |
| General   | 100%, subject to the requirement in Article <b>VIII</b> , § <b>290-8.12E(3)</b> , 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 <b>VIII</b> , § <b>290-8.12E(3)</b>   |
| Maximum building or structure height                                      |   |

| Type of Use  | Requirement  |
|--|--|
| 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 |

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

There are no changes proposed to this District

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-TWO

—  
H.P. 1489 - L.D. 2003

**An Act To Implement the Recommendations of the Commission To Increase  
Housing Opportunities in Maine by Studying Zoning and Land Use  
Restrictions**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §13056, sub-§7**, as amended by PL 2003, c. 159, §3, is further amended to read:

**7. Contract for services.** When contracting for services, to the maximum extent feasible, seek to use the State's private sector resources in conducting studies, providing services and preparing publications; ~~and~~

**Sec. 2. 5 MRSA §13056, sub-§8**, as enacted by PL 2003, c. 159, §4, is amended to read:

**8. Lead agency for business assistance in response to certain events.** Be the lead agency for the State to provide information and business assistance to employers and businesses as part of the State's response to an event that causes the Department of Labor to carry out rapid-response activities as described in 29 United States Code, Sections 2801 to 2872 (2002); ~~and~~

**Sec. 3. 5 MRSA §13056, sub-§9** is enacted to read:

**9. Establish statewide housing production goals.** Establish, in coordination with the Maine State Housing Authority, a statewide housing production goal that increases the availability and affordability of all types of housing in all parts of the State. The department shall establish regional housing production goals based on the statewide housing production goal. In establishing these goals, the department shall:

- A. Establish measurable standards and benchmarks for success of the goals;
- B. Consider information submitted to the department from municipalities about current or prospective housing developments and permits issued for the construction of housing; and
- C. Consider any other information as necessary to meet the goals pursuant to this subsection.

**Sec. 4. 30-A MRSA §4364** is enacted to read:

**§4364. Affordable housing density**

For an affordable housing development approved on or after July 1, 2023, a municipality with density requirements shall apply density requirements in accordance with this section.

**1. Definition.** For the purposes of this section, "affordable housing development" means:

A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

**2. Density requirements.** A municipality shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area of a municipality consistent with section 4349-A, subsection 1, paragraph A or B or the development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423- A, as applicable.

**3. Long-term affordability.** Before approving an affordable housing development, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

A. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

B. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

**4. Shoreland zoning.** An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

**5. Water and wastewater.** The owner of an affordable housing development shall provide written verification to the municipality that each unit of the housing development is connected to adequate water and wastewater services before the municipality may certify the development for occupancy. Written verification under this subsection must include:

A. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

B. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

D. If a housing unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

**6. Subdivision requirements.** This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.

**7. Restrictive covenants.** This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

**8. Rules.** The Department of Economic and Community Development shall adopt rules to administer and enforce this section. The department shall consult with the Department of Agriculture, Conservation and Forestry in adopting rules pursuant to this subsection. The rules must include criteria for a municipality to use in calculating housing costs. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 5. 30-A MRSA §4364-A** is enacted to read:

**§4364-A. Residential areas, generally; up to 4 dwelling units allowed**

**1. Use allowed.** Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, for any area in which housing is allowed, a municipality shall allow structures with up to 2 dwelling units per lot if that lot does not contain an existing dwelling unit, except that a municipality shall allow up to 4 dwelling units per lot if that lot does not contain an existing dwelling unit and the lot is located in a designated growth area within a municipality consistent with section 4349-A, subsection 1, paragraph A or B or if the lot is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2 dwelling units: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.

A municipality may allow more units than the number required to be allowed by this subsection.

**2. Zoning requirements.** With respect to dwelling units allowed under this section, municipal zoning ordinances must comply with the following conditions.

A. If more than one dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-B, the lot is not eligible for any additional increases in density except as allowed by the municipality.

B. A municipal zoning ordinance may establish a prohibition or an allowance for lots where a dwelling unit in existence after July 1, 2023 is torn down and an empty lot results.

**3. General requirements.** A municipal ordinance may not establish dimensional requirements or setback requirements for dwelling units allowed under this section that are greater than dimensional requirements or setback requirements for single-family housing units, except that a municipal ordinance may establish requirements for a lot area per dwelling unit as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit.

**4. Water and wastewater.** The owner of a housing structure must provide written verification to the municipality that the structure is connected to adequate water and wastewater services before the municipality may certify the structure for occupancy. Written verification under this subsection must include:

A. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structure and proof of payment for the connection to the sewer system;

B. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the structure, proof of payment for the connection and the volume and supply of water required for the structure; and

D. If a housing structure is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

**5. Municipal implementation.** In adopting an ordinance, a municipality may:

A. Establish an application and permitting process for housing structures;

B. Impose fines for violations of building, zoning and utility requirements for housing structures; and

C. Establish alternative criteria that are less restrictive than the requirements of subsection 4 for the approval of a housing structure only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B or 4-C.

**6. Shoreland zoning.** A housing structure must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

**7. Subdivision requirements.** This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.

**8. Restrictive covenants.** This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

**9. Rules.** The Department of Economic and Community Development may adopt rules to administer and enforce this section. The department shall consult with the Department of Agriculture, Conservation and Forestry in adopting rules pursuant to this subsection. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**10. Implementation.** A municipality is not required to implement the requirements of this section until July 1, 2023.

**Sec. 6. 30-A MRSA §4364-B** is enacted to read:

**§4364-B. Accessory dwelling units**

**1. Use permitted.** Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which housing is permitted.

**2. Restrictions.** An accessory dwelling unit may be constructed only:

A. Within an existing dwelling unit on the lot;

B. Attached to or sharing a wall with a single-family dwelling unit; or

C. As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

This subsection does not restrict the construction or permitting of accessory dwelling units constructed and certified for occupancy prior to July 1, 2023.

**3. Zoning requirements.** With respect to accessory dwelling units, municipal zoning ordinances must comply with the following conditions:

A. At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; and

B. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-A, the lot is not eligible for any additional increases in density except as allowed by the municipality.



**4. General requirements.** With respect to accessory dwelling units, municipalities shall comply with the following conditions.

A. A municipality shall exempt an accessory dwelling unit from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.

B. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, in which case the requisite setback requirements for such a structure apply. A municipality may establish more permissive dimensional and set back requirements for an accessory dwelling unit.

C. An accessory dwelling unit may not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

**5. Shoreland zoning.** An accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

**6. Size requirements.** An accessory dwelling unit must meet a minimum size of 190 square feet. If the Technical Building Codes and Standards Board under Title 10, section 9722 adopts a different minimum size, that standard applies. A municipality may impose a maximum size for an accessory dwelling unit.

**7. Water and wastewater.** The owner of an accessory dwelling unit must provide written verification to the municipality that the accessory dwelling unit is connected to adequate water and wastewater services before the municipality may certify the accessory dwelling unit for occupancy. Written verification under this subsection must include:

A. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the accessory dwelling unit and proof of payment for the connection to the sewer system;

B. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the accessory dwelling unit, proof of payment for the connection and the volume and supply of water required for the accessory dwelling unit; and

D. If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

**8. Municipal implementation.** In adopting an ordinance under this section, a municipality may:

A. Establish an application and permitting process for accessory dwelling units;

B. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; and

C. Establish alternative criteria that are less restrictive than the requirements of subsections 4, 5, 6 and 7 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B or 4-C.

**9. Rate of growth ordinance.** A permit issued by a municipality for an accessory dwelling unit does not count as a permit issued toward a municipality's rate of growth ordinance as described in section 4360.

**10. Subdivision requirements.** This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.

**11. Restrictive covenants.** This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

**12. Rules.** The Department of Economic and Community Development may adopt rules to administer and enforce this section. The department shall consult with the Department of Agriculture, Conservation and Forestry in adopting rules pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**13. Implementation.** A municipality is not required to implement the requirements of this section until July 1, 2023.

**Sec. 7. 30-A MRSA §4364-C** is enacted to read:

**§4364-C. Municipal role in statewide housing production goals**

This section governs the responsibilities and roles of municipalities in achieving the statewide and regional housing production goals set by the Department of Economic and Community Development in Title 5, section 13056, subsection 9.

**1. Fair housing and nondiscrimination.** A municipality shall ensure that ordinances and regulations are designed to affirmatively further the purposes of the federal Fair Housing Act, 42 United States Code, Chapter 45, as amended, and the Maine Human Rights Act to achieve the statewide or regional housing production goal.

**2. Municipalities may regulate short-term rentals.** A municipality may establish and enforce regulations regarding short-term rental units in order to achieve the statewide or regional housing production goal. For the purposes of this subsection, "short-term rental unit" means living quarters offered for rental through a transient rental platform as defined by Title 36, section 1752, subsection 20-C.





## Camden, ME

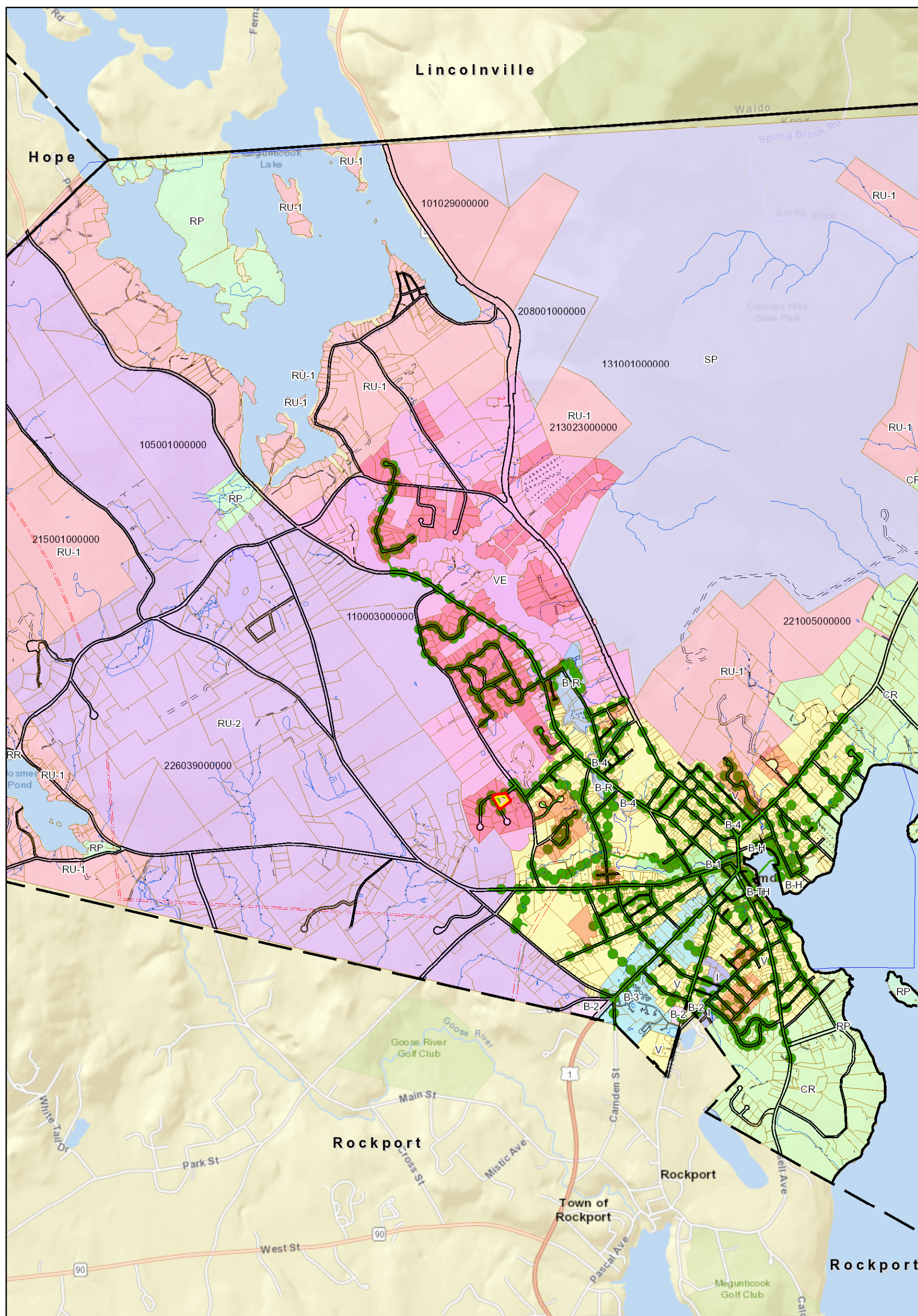
1 inch = 2159 Feet

January 19, 2022



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## CHAPTER 7 WATER AND SEWER

### Map 1: Public Water System Map

