MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002(2)]

To Katrina Oakes, Clerk:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "2015 amendments to the Maine Department of Environmental Protection Chapter 1000 rules to the Camden Zoning Ordinance to keep Main in compliance with 39 MRSA Section 435-449 (Shoreland Zoning)," which is to be presented to the voters for their consideration at a secret ballot referendum to be held on June 14, 2016.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: April 19, 2016

Town of Camden Select Board

Article III Definitions

Section 1. Meaning of Words

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."

Section 2. Definitions

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 second dwelling unit contained within a single family detached dwelling or an accessory building on the same lot as a single family detached dwelling for use as a complete, independent living quarters, with provision for living, sleeping, bathing, and cooking.

The single family dwelling, including any accessory building, shall:

(1) contain no more than one accessory apartment;
(2) be owner-occupied for the entire time during which the accessory apartment is occupied;

The accessory apartment shall:

(1) contain a total of less than 600 square feet, gross, of living area; and
(2) be occupied by a person or household for whom the apartment is the primary residence.

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. *(New last sentence - 11/15/05)*

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. *(New - 6/20/06)*

BUILDING: Any structure having a roof. Each portion of a building, separated from other portions by a firewall, 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 - 11/14/06)*

BUILDING OFFICAL: see Code Enforcement Officer *(New 6/12/12)*

BULKHEAD: A permanent solid structure or wall built along the shore to retain and protect the upland from wave and sea erosion. *(New - 6/20/06)*

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

CHURCH: As used in this Ordinance, refers to a place of worship regardless of denomination.

CLEAR CUTTING: Any timber harvesting which over a 10-year period results in an average residual basal area of trees over 6 inches in diameter measured at 4_ 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 5 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. *(new – 11/14/06)*

COASTAL WETLAND: All tidal and sub tidal 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 low land 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. *(New – 11/15/05, amended 6/??/16)*

CODE ENFORCEMENT OFFICER: The official responsible for enforcement of the Ordinance 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 06/12/12)*

Article VI Nonconformance

Section 1. Purpose

The purpose of this Article is to regulate nonconforming lots, uses, and structures as defined in this Ordinance 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 Ordinance.

Section 2. Nonconforming Lots *(Amended 11/10/09)*

(1) Contiguous or Partially Built

(a) 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 Ordinance, at the time of or since adoption or amendment of this Ordinance, and if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, the lots shall be combined to the extent necessary to meet the dimensional standards, except:

(i) where the contiguous lots front onto different streets; or

(ii) 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 2 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 6/15/10)*

(iii) each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; and

(iv) any lots that do not meet the frontage and lot size requirements of Section 2(1)(a) 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.

(b) A nonconforming lot of record as of the effective date of this Ordinance 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 Ordinance except lot area and frontage can be met. Variance of other requirements shall be obtained only by action of the Zoning Board of Appeals.

(c) 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 Ordinance, or so long as the modification does not worsen an existing legally nonconforming situation.

(2) Lots with Structures

(a) A structure built on a lot prior to enactment of this Ordinance, which lot does not conform to lot size or lot frontage, may be repaired, maintained or improved, and may be modified in conformity with Section 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.

(b) If two or more contiguous lots or parcels have the same ownership at the time of adoption or amendment of this Ordinance, 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, 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 ordinance, 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 Ordinance, as determined by the Zoning Board of Appeals. *(Amended – 11/2/10)*

(c) 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 ordinance, 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 ordinance. *(Amended – 11/15/05)*

(d) 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.

Section 3. Nonconforming Uses

(1) **Continuance.**

(a) The use of land, building or structure, lawful at the time of adoption of this Ordinance, or of subsequent amendments of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance, except as provided in paragraph 2, Discontinuance, below.

(2) **Discontinuance.**

(a) 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 Ordinance, except for legally existing space and bulk nonconformities, which may continue. *(Amended – 11/15/05)*

(b) 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 (5) year period. *(Added 11/10/09)*

(c) Whenever a nonconforming use is changed to a permitted use, such structure and/or land shall thereafter conform to the provisions of this Ordinance, and the nonconforming use may not thereafter be resumed.

(3) **Expansions.** ~~of Use~~

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 11/6/12)*

(a) Within the Shoreland Zone, nonconforming residential uses may be expanded within existing residential structures or within expansions of such structures as allowed in Section 4. *(Added 11/10/09)*

(b) In the RP, RR, B-H, B-R, B-TH, & B-TR districts no expansion of a nonconforming use is allowed. *(Added 11/6/12)*

(c) 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 non-conformity shall be allowed to be created on the property and all district standards and applicable Site Plan Review standards must be met. *(Added 11/6/12)*

(d) In the B-1, B-2, & 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 non-conformity shall be allowed to be created on the property and all district standards and applicable Site Plan Review standards must be met. *(Added 11/6/12)*

(4) **Changes ~~in Nonconforming~~ 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, Section 4,(3), 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, Section 6, (5<u>6</u>). *(New last sentence – 11/15/05, <u>Amended 6/??/16</u>)*

Section 4. Nonconforming Structures

Maintenance, Modification, Replacement and Reconstruction

(1) Except as set forth in (d) 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:

(a) The resulting structure or structures do not exceed the height restrictions of the district in which the structure or structures are located.

(b) 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.

(c) There is no increase in the non-conformity, except that a lawfully non-conforming structure may be expanded in volume and ground floor area by no more than thirty percent (30%) of the volume and ground floor area of that portion of the structure that was lawfully non-conforming as of the date of this amendment of the Ordinance, 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 non-conformity exists, unless the resulting structure is allowed to be closer in accordance with the provisions of Article X, Part 1, Section 1 (9) (j) of this Ordinance.

(d) No structure which is less than the required setback from the normal high water line 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 non-conforming structure closest to the water body or wetland and such structure shall further conform with the requirements of Article VI, Section 6, if applicable, and Article X, Part 1, Section 1 (9) (j) of the Ordinance.

(2) Any nonconforming building or structure which is lawfully in existence as of the effective date of this Ordinance, 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 twenty-four (24) months of said damage or destruction in conformity with the above requirements in this section.

Section 5. Transfer of Ownership

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

Section 6. Changes in Nonconforming Structures in Shoreland Areas

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

~~(1) Expansion~~
(1) **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, Part I, Section 1,(9). 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 subparagraphs (a) and (b) below.

(a) Expansion of any portion of a structure within 25 feet of the normal high-water line 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-water line 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.

(b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line 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, Section 6, (1) above.

(i) 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.

(c) 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, Section 6, (1)or Article VI, Section 6, (1) (a), above.

(i) For structures located less than 75 feet from the normal high-water line 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 made greater than 20 feet or the height of the existing structure, whichever is greater.

(ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as 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 structure 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-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Article VI, Section 6, (1),(b),(i) and Article VI, Section 6, (1), (c), (i), above.

(iii) In addition to the limitations in subparagraphs (i) and (ii), 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-water line of a water body or the upland edge of

to a size greater than 1,500 square 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, Section 6, (1), (b), (i) and Article VI, Section 6, (1), (c), (i), above.

(d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming 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.

(e) Upon satisfaction of all criteria and applicable Zoning Ordinance 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.

(2) Foundations.

Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming 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 Section 12(C)(3) Relocation, below.

(3) **Relocation.**

(a) 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, 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.

(b) 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, Part 1, Section 1(17). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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<#>After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure, in accordance with Article VI, Section 4. For structures existing on January 1, 1989, the permitted expansion shall be based upon existing floor area and volume for the structure on that date. If a replacement structure conforms with the requirements of Section 6, (3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.¶
¶
<#>Whenever a new, enlarged or replacement foundation is constructed under a non-conforming structure, then 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, basing its decision on the criteria specified in subsection (2) Relocation, below, however, if the completed foundation does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.¶
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Deleted: Planning Board

~~(1)~~(3) **Relocation.**

(a) 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, 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.

(b) 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, Part 1, Section 1(17). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(i) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) 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 re-established. 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.

(ii) 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.

(4) **Reconstruction or Replacement.**

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 eighteen (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 2(b) 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 Section 6, (1) above, as determined by the non-conforming ~~floor area and volume~~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 Section 6, (23) above.

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.

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 paragraph 2 above, the physical condition and type of foundation present, if any.

(5) 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.

(6) Change of Use of a Nonconforming Structure.

In addition to the requirements of Article VI, Section 3, (4) 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.

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, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water dependent uses. *(Entire section amended 6/20/06, and 6/??/16)*

Section 7. Nonconforming Ground Coverage

Development consisting of structures, parking lots and other non-vegetated 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 non-vegetated 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 non-vegetated surfaces does not exceed the total area of the nonconforming ground coverage which was in lawful existence at the time that this Ordinance or subsequent amendment took effect.

Section 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 Ordinance to be considered lawful or allowable under the provisions of this Ordinance.

Section 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 ten 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 ten to fifteen 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:

The following resource protection uses:

(1) Uses listed in Section 1 of this Article, Natural Resource Protection District, Paragraph B

The following resource production uses:

(2) Agriculture
(3) Timber harvesting

The following residential uses:

(4) Single family dwellings
(5) Two-family dwellings
(6) Open space residential developments that meet the standards of Article IX
(7) Cottages
(8) Mobile home parks
(9) Accessory apartments

The following municipal and institutional uses:

(10) Cemeteries
(11) Churches

The following commercial uses:

(12) Outdoor storage of boats, provided the screening standards of Article X, Part II, Section 3(5) are met
(13) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance

The following water-dependent uses:

(14) Municipal boat ramps and municipal piers

The following utility uses:

(15) Essential services
(16) Road construction

The following accessory activities:

(17) Accessory uses
(18) Home occupations
(19) Homestay

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

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 Ordinance:

The following municipal and institutional uses:

(1) Community buildings
(2) Quasi-public facilities
(3) Municipal uses
(4) Nursery schools and day care centers
(5) Private schools
(6) Public schools

The following utility uses:

(7) Public utilities

The following commercial uses:

(8) Inns located on lots of 2 or more acres [1]
(9) Low impact uses, as defined in this Ordinance 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, B-TR, or I), and that meet the terms of Article VII, Section 4(9).
(10) Parking facilities, provided there is no demolition of buildings existing as of the date of adoption of this ordinance.

The following residential uses:

(11) Community living uses
(12) Congregate housing served by public sewer
(13) 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 Article X, Parts I and II, shall be observed.
(2) The following space and bulk standards shall apply:

	Sewer	No Sewer
MINIMUM LOT AREA		
Residential	10,000 sq.ft. *	40,000 sq.ft.
Nonresidential	10,000 sq.ft. *	40,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT *		
Single Family	10,000 sq.ft.	40,000 sq.ft.
Accessory Apartments	No increase in lot area required	No increase in lot area required
Two-Family Dwellings	7,500 sq.ft.	40,000 sq.ft.
Multi-Family Dwellings (as part of open space subdivisions)	7,500 sq.ft.	Not permitted

Table continued on next page

* Subject to E. (4) below

	Sewer	No Sewer
Congregate Housing	3,000 sq.ft.	Not permitted
MINIMUM STREET FRONTAGE		
Residential Lots created as part of subdivisions approved by the Planning Board after the date of adoption of this ordinance	50 ft., and the average for all lots in the subdivision is between 75 ft. and 90 ft.	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 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 four 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

Table continued on next page

	Sewer	No Sewer
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. *(Amended – 11/15/05)*	15 feet
Back	15 feet	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)	See Article X, Part I, Section 1(9)(j)
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%	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

(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, Part II, Section 3, of this Ordinance.

(4) Shoreland Area
Properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.

(5) Historic Area
Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

Section 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.

B. Permitted Uses

The following uses are permitted in the Traditional Village District:

The following resource protection uses:

(1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following resource production uses:

(2) Timber harvesting

The following residential uses:

(3) Single family dwellings
(4) Two-family dwellings
(5) Multifamily dwellings
(6) Open space residential developments that meet the standards of Article IX
(7) Accessory apartments

The following municipal and institutional uses:

(8) Cemeteries
(9) Churches

The following commercial uses:

(10) Outdoor storage of boats, provided the screening standards of Article X, Part II, Section 3(5) are met
(11) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
(12) Hotels or motels with more than ten (10) but fewer than fifteen (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.

The following water-dependent uses:

(13) Municipal boat ramps and municipal piers

The following utility uses:

(14) Essential services
(15) Road construction

The following accessory activities:

(16) Accessory uses
(17) Home occupations
(18) Homestay

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

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 Ordinance:

The following residential uses:

(1) Community living uses
(2) Congregate housing
(3) Nursing and convalescent homes
(4) Rooming houses

The following municipal and institutional uses:

(5) Community buildings
(6) Municipal uses
(7) Nursery schools and day care centers
(8) Public schools
(9) Quasi-public facilities

The following commercial uses:

(10) Low impact uses, as defined in this Ordinance 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, B-TR or I), and that meet the terms of Article VII, Section 4(9) *(amended – 11/14/06)*

(11) Expansion of hotels or motels with ten 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

(12) Inns on lots of 2 or more acres [1]

(13) Funeral homes

The following utility uses:

(14) 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 Article X, Parts I and II, shall be observed.

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

MINIMUM LOT AREA	
Residential	10,000 sq.ft. *
Nonresidential	10,000 sq.ft. *
MINIMUM LOT AREA PER DWELLING UNIT *	
Single Family	10,000 sq.ft.
Accessory Apartments	No increase in lot area required
Two-Family Dwellings	7,500 sq.ft.
Multifamily Dwellings	7,500 sq.ft.
Congregate Housing	3,000 sq.ft.
MINIMUM STREET FRONTAGE	
Residential	75 feet
Nonresidential	75 feet

Table continued on next page

* Subject to E. (4) below

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 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.
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. *(Amended – 11/15/05)*
Back	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)
Nonresidential	
Front	Same as residential
Side	15 feet
Back	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet

Table continued on next page

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
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 X, Part II, Section 3, of this Ordinance.

(4) Shoreland Area
Properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.

(5) Historic Areas
Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

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Article X Performance Standards

Part I. Standards in Overlay Areas

This Part 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.

Part I, Section 1. Shoreland Areas

(1) Applicability

This section applies to all land areas within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any great pond or river; within two hundred fifty (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within two hundred fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland; within two hundred fifty (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 water line); and within seventy-five (75) feet, horizontal distance, of the normal high water line 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 water line of a water body or within a wetland, or beyond the Harbor Line. *(Amended 11/10/09)*

(2) Agriculture

(a) 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. § 4201-4209. *(Amended 11/10/09)*

(b) 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 storm water. *(Amended 11/10/09)*

(c) 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 Ordinance. *(Amended 11/10/09)*

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

(d) There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA, within 75 feet, horizontal distance, from 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 11/10/09, 6/15/10)*

(e) Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line 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. *(Amended 11/10/09)*

(3) 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.

(4) Campgrounds and Individual Private Campsites

(a) Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5000) square feet of land, not including road and driveways, for each site. Land supporting wetland vegetation and land below the normal high water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings, shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy five (75) feet, horizontal distance, from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland. *(Amended 11/10/09)*

(b) 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 separately.

~~2.~~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 water line 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 water line of other water bodies, tributary streams, or the upland edge of a wetland. *(Amended 11/10/09)*

~~3.~~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 11/10/09)*

~~4.~~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 one thousand (1,000) square feet. *(Added 11/10/09)*

~~5.~~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 land owner is required.

~~6.~~7. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred twenty (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.**

(5) Reserved.

(6) Erosion and Sedimentation Control *(Extensively revised 11/10/09)*

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.

(a) 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:

- Mulching and revegetation of disturbed soil
- Temporary runoff control features such as hay bales, silt fencing or diversion ditches
- Permanent stabilization structures such as retaining walls or rip-rap

(b) 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.

(c) 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.

(d) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of rip-rap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

- Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
- Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
- 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.

(e) Natural and man-made drainage ways 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 (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

(7) Mineral Exploration and Extraction

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 one hundred (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.

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 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 (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 water line 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 water line 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 11/10/09)*

(c) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) 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 two and one-half to one (2-1/2:1) slope or flatter. *(Amended 11/10/09)*

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.

(8) **Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and Shoreline 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 the Harbor Rules and Regulations of the Town of Camden.)

(8A) General Standards:

(a) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line 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 Section 9(a), a second structure may be allowed and may remain as long as the lot is not further divided.

(b) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

(c) The location shall not interfere with existing developed or natural beach areas.

(d) The facility shall be located so as to minimize adverse effects on fisheries.

(e) 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 non-tidal waters shall not be wider than six feet ~~for non-commercial uses.~~

(f) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

(g) New permanent piers and docks on non-tidal 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.*

(h) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

(i) Vegetation may be removed in excess of the standards in Section (14) of this ordinance 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 site 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 Section (17).

(j) A deck over a 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 section 15(B); and

(e) The construction of the deck complies with all other state and federal laws.

(8B) Piers:

(a) Height of walkway of piers and wharves in the shoreland area adjacent to the Inner Harbor and Outer Harbor areas as defined in the Harbor Rules and Regulations 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 ten feet above mean high water.

(b) The maximum width of the walkway of the pier in the shoreland area adjacent to the Coastal and Outer Harbor areas shall not exceed 4' (four feet). The overall width of the pier at the walkway shall not exceed 6' (six feet). Piers and wharves in the shoreland area adjacent to the Inner Harbor area shall not exceed 12' (twelve feet) in width. The width of the base of the pier shall be in conformance to standard engineering practices.

(c) Fender pilings, bollards, railings, or other accessory structures which extend above the walkway or a pier or wharf shall be limited to a height of 6' (six feet) above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.

(d) No pier shall be constructed within 30' (thirty 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' (ten feet) from the line between the two districts.

(e) No pier shall be built within 300' (three hundred 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' (forty feet) and, except where the Harbor Business District abuts a residential district, the separation between piers shall be no less than 20' (twenty feet).

(f) The location of the structure or the use of the facility shall not conflict with the applicable sections of the Harbor Rules and Regulations of the Town of Camden.

(g) No structures shall be permitted on piers, wharves, or breakwaters, except temporary structures and permanent non-building type structures allowed under the regulations of that District.

(h) No filling is permitted beyond the officially established Harbor Line except in connection with construction of a municipal pier or boat ramp.

(8CA) Consolidated Piers

(a) Where permitted by the District Regulations section of this Ordinance, consolidated piers shall comply with the following standards:

1. Participating property owners shall have combined continuous, contiguous frontage of at least 600' (six hundred feet).

2. The pier shall not be constructed within 30' (thirty feet) (horizontal distance along the shoreline) of the exterior property lines of the combined properties, as the pier intersects the harbor line.

3. The maximum width of the walkway of the pier shall not exceed 6' (six feet). Height of the walkway shall not exceed 6' (six feet) above mean high water. In the shoreland area adjacent to the Coastal Harbor, the height shall not exceed ten feet above mean high water.

4. The width of the base of the pier shall be in conformance with standard engineering practice.

5. No pier shall be constructed within 300' (three hundred feet) as measured along harbor line from an existing or from an approved pier, wharf, breakwater, or other similar construction.

6. Construction of a pier shall not be such as to substantially impede the public's right of passage over the shores and flats.

7. 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.

8. Pier rights on contributing properties shall be relinquished by the property owners in a written instrument.

9. 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.

(b) Procedure

In addition to those called for under the Site Plan Review section of this Ordinance, the following procedures will be followed for consolidated piers:

1. Application shall be made to the Code Enforcement Officer

   (i) Property shall be identified as for site plan review
   (ii) Proof of ownership shall be provided
   (iii) A copy of the written agreement between the participants shall be submitted with the application.

2. The application will be referred to the Planning Board for approval under the site plan review section of this Ordinance. 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.

(8~~D~~B) Bulkheads

(a) 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.

(b) 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.

(9) Lots and Structures

All land use activities within the shoreland area, except in the Downtown Business (B-1), the Transitional River Business (B-TR), 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 – 11/14/06)*

(a) Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
Residential/per dwelling unit		
Along tidal waters	30,000	150
Along nontidal waters	40,000	200
Governmental, , Institutional, Commercial or Industrial/per principal structure *(Amended 11/10/09)*		
Along tidal waters	40,000	200
Along nontidal waters	60,000	300
Public and private recreational facilities		
Along all waters	40,000	200

(b) Calculating minimum lot area: Land below the normal high water line of a water body or the upland edge of a wetland, and land beneath roads serving more than two (2) lots, shall not be included toward calculating the minimum lot area. *(Amended 11/10/09)*

(c) Minimum width: The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high water line 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.

(d) 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 the Ordinance unless such road was established by the owner of land on both sides of that road after September 22, 1971.

(e) Multiple structures: If more than one (1) residential dwelling unit or more than one (1) 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 Transitional River Business (B-TR), the River Business (BR), and the Harbor Business (B-H) districts. *(Amended 11/10/09)*

(f) 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 Ordinance 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.

(g) 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 the Flood Plan Management Ordinance of the Town of Camden, being Chapter IV of the Camden Code. *(Amended 11/10/09)*

(h) Ground coverage: The total footprint area of all structures, parking lots and other nonvegetated surfaces on a lot shall not exceed twenty per cent (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 Transitional River Business (B-TR), the Downtown Business (B-1), and the River Business (B-R) districts. *(Amended 11/10/09)*

(i) 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 water line 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, Section 480-C), and that the applicant demonstrates that no reasonable access alternative exists on the property. *(Amended 11/10/09)*

(j) Nearest horizontal distance – water bodies, tributary streams & wetlands: The nearest horizontal distance of all new principal and accessory structures shall be set back from the normal high-water line as follows:

Natural Resources Protection*	250 feet
Rural 1, Rural 2, Rural Recreation, Coastal Residential, Village Extension, and Traditional Village districts	75 feet
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. *(Amended 11/10/09)*

Nearest horizontal distance – Great Ponds: The nearest horizontal distance from the normal high-water line of a great pond classified GPA to the nearest point of all new principal and accessory structures, or substantial expansions of legally existing non-conforming 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-water line. *(Amended 11/10/09)*

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. *(Amended 6/15/10)*

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. *(Added 11/10/09)*

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 thirty (30) percent 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 non-conforming structure, provided that the expansion does not create further non-conformity 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. An expansion of a legally existing non-conforming building or structure which is less than a substantial expansion is prohibited unless allowed by the provisions of Article VIII, Section 12 (e) (2). *(Amended third sentence – 11/9/04) (Amended second sentence 11/10/09)*

Setbacks from Great Ponds classified GPA: In addition, notwithstanding any other provision of this Ordinance, new principal and accessory structures, and substantial expansions of legally existing non-conforming 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 water line of any great pond classified GPA and rivers that flow to great ponds classified GPA. *(Amended 11/10/09)*

(k) 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. *(New 6/20/06)*

(l) 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:

1. The site has been previously altered and an effective vegetative buffer does not exist;
2. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
3. 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;
4. The total height of the wall(s), in the aggregate, are no more than 24 inches;
5. 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 flood plain soils;
6. 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
7. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line 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:

    - 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;
    - Vegetation plantings must be in plantings sufficient to retard erosion and provide for effective infiltration of storm water runoff;
    - Only native species may be used to establish the buffer area;
    - A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
    - A footpath not to exceed the standards in Article X, Part 1, Section 1, (14) (b) (1) may traverse the buffer. *(Section added 11/10/09, amended 6/15/10)*

(10) Roads, Driveways, and associated drainage systems, culverts and related features *(Amended 11/10/09)*

(a) Road crossings of watercourses shall be kept to the minimum number necessary.

(b) Bottoms of culverts shall be installed at stream bed elevation.

(c) All cut or fill banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible.

(d) 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.

(e) Roads and Driveways *(Amended 11/10/09)*

1. New roads and driveways shall be set back at least one hundred (100) feet, horizontal distance, from the normal high water line of a great pond classified GPA or a river that flows to a great pond, classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high water line 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 fifty (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. *(Amended 11/10/09)*

   This paragraph 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, 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. *(Amended 11/10/09)*

   On slopes greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent. *(Added 11/10/09)*

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from the water body or wetland.

3. 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-water line of a water body, tributary stream, or upland edge of a wetland. *(Added 11/10/09)*

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control. *(Added 11/10/09)*

5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet. *(Added 11/10/09)*

6. 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 fifty (50) feet plus two times the average slope in width, between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarfied 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. *(Added 11/10/09)*

7. 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:

   (a) 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)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

   (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
   (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) 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.
(Added 11/10/09)

8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning. *(Added 11/10/09)*

(10A) Parking Areas *(Added 11/10/09)*

(a) 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 twenty-five (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 fifty (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.

(b) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain runoff on-site.

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

i. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
ii. Internal travel aisles: Approximately twenty (20) feet wide.

(11) Septic Waste Disposal

All subsurface sewage disposal systems shall be installed in conformance with the **State of Maine Subsurface Wastewater Disposal Rules**, and the following:

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

(b) A holding tank is not allowed for a first-time residential use in the shoreland zone.
(Amended 11/10/09)

(12) Timber Harvesting *(Amended 11/10/09)(Repealed per 38 M.R.S.A. § 438-B. (5) 1-1-2013)*

The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. § 438-B, (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, (5), Article X, Part 1, Section 1, (12) is repealed. *(Added 11/10/09)*

(13) 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 50 foot right-of-way to water for community use for each 750 feet of shoreline. Land in the Downtown Business (B-1), the Transitional River Business (B-TR), the River Business (BR), and the Harbor Business (B-H) districts shall be exempt from this standard.

(14) Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting
(Entire section amended 11/10/09)

(a) 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 seventy-five (75) feet, horizontal distance, inland from the normal high water line, except to remove ~~safety hazards~~hazard trees as described in (15) 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.

(b) Except in areas as described in paragraph a, above, ~~and except to allow for the development of permitted uses,~~ within a strip of land extending 100 feet, horizontal distance, inland from the normal high water line of a great pond classified GPA or a river flowing to a great pond classified GPA, ~~and~~ 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:

1. There shall be no cleared opening or openings greater than two hundred fifty (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 (6) 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~~, is permitted~~.

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

3. 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 (3) 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 section.

4. Pruning of tree branches on the top 2/3 of the tree is prohibited.

5. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, ~~diseased, unsafe, or dead~~ or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with (15), below, unless existing new tree growth is present.

~~5.~~6. 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 (14) (b) above.

~~The provisions contained in paragraph (b) above do not apply to those portions of publicly owned recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.~~

(c) 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 water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be permitted on any lot, in any 10 year period, selective cutting of not more than forty (40) percent of the volume of trees, four (4) 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 forty (40) percent 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), the Transitional River Business (B-TR), River Business (BR), and the Harbor Business (B-H) districts.

~~NOTE: The provision of paragraph (c) above shall not apply to land areas located greater than 75 feet from the normal high water line of a stream since the shoreland area extends only 75 feet from the normal high water line of a stream.~~

(d) Legally existing nonconforming c~~C~~leared openings in existence on the effective date of this Ordinance may be maintained, but they shall not be enlarged, except as permitted by this Ordinance.

(e) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under this section.

(15) **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 two hundred and fifty (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 (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

(b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (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 (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (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 areas, 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 to 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 (8) inches in diameter measured at four and one half (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 two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

(i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

(ii) Stumps from the storm-damaged trees may not be removed;

(iii)Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

(iv)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 eighty (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 (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (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.

(16). Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Article X, Part I, Section 1, (14), 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 once every two (2) 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 section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Article X, Part I, Section 1, (14) apply;

(2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Article X, Part I, Section 1, (9) (j) 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 Article X, Part I, Section 1, (2) 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 38 M.R.S.A section 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 section 465-A.

(6) The removal of non-native 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 twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

(b) Removal of vegetation within twenty-five (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 non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of non-native 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/invasives.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.

(17) Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Article X, Part I, Section 1.(14), to address the removal of non- native 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 revegation 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 pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing 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 trees 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 (3) trees or saplings are planted, then at least three (3) 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 a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

(f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

(5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

(a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

(b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

(d) No one 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 (5) 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 sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

(c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

(185) **Storm Water Runoff**

(a) All new construction and development shall be designed to minimize storm water 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 storm waters.

(b) Storm water runoff systems shall be maintained as necessary to ensure proper functioning.

(196) Essential Services

(a) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

(b) The installation of essential services, other than road-side 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. *(Amended 11/10/09)*

(c) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit. *(Added 11/10/09)*

(20~~17~~) 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 ground water elevation, 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 11/10/09)*

(21~~18~~) Commercial and Industrial Uses

(a) 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 11/10/09)*

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops
3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer

9. Metal plating, finishing, or polishing
10. 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
11. Photographic processing
12. Printing

(b) For the purposes of this Ordinance lobster, scallop, mussel and similar fishing activities shall not be considered a commercial activity provided that:

1. The activity involves only one boat which is less than forty (40) feet in length;
2. The operation employs no more than two (2) persons including the owners; and
3. No wholesale or retail sales of the catch occurs on-site unless conforming to the standards of a home occupation.

(22~~19~~) 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 11/10/09)*

(23~~20~~) 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 the 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 twenty (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 11/10/09)*

(24~~1~~) Meaning of "Well-Distributed Stand of Trees" and "Other Vegetation"
(Entire section amended 11/10/09)

For purposes of this section of the Ordinance, 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 25-foot by 50-foot (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4 1/2 Feet Above Ground Level (inches)	Points
2 - <4 in.	1
4 - <8 in.	2
8 - <12 in.	4

12 in. or greater	8

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 25-foot by 50-foot rectangular area.

Note: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

(4x1) + (2x2) + (3x4) + (2x8) = 36 points

Thus, the 25-foot by 50-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.

The following shall govern in applying this point system:

(iii) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(iv) Each successive plot must be adjacent to, but not overlap, a previous plot;
(v) Any plot not containing the required points must have no vegetation removed down to the minimum points required or as otherwise allowed by the Ordinance;
(vi) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For purposes of this section of the Ordinance, "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than (2) inches in diameter at four and one-half (4 ½) feet above ground level for each 25-foot by 50-foot rectangular area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five saplings have been recruited into the plot.

Notwithstanding the foregoing definition, no more than 40% of the total volume of the trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period.

Part I, Section 2. High Elevation Areas

(1) 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.

(2) Special Space and Bulk Standards

(a) 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.

(b) For lots wholly within the high elevation area, the minimum lot size in the Rural-1 District shall be 7 acres, with a maximum residential density of one unit per 7 acres; and the minimum lot size in the Rural-2 District shall be 4 acres, with a maximum residential density of one unit per 4 acres. Elsewhere, the minimum lot size shall be 3 acres, with a maximum residential density of one unit per 3 acres.

(c) Maximum ground coverage of that portion of the lot in a high elevation area shall be five percent.

(3) Special Performance Standards

(a) In addition to all other applicable performance standards in this ordinance, the following special performance standards shall apply in high elevation areas in all districts except the Rural Recreation District.

(b) Except as provided in paragraphs (c) and (d) 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.

(c) Existing vegetation may be removed to allow driveway access, not to exceed 20 feet in width, to structures.

(d) Tree cutting for noncommercial or forest management purposes is permitted, provided that no more than 40 percent 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 sq. ft.

(e) No development, tree cutting, or clearing of land shall be allowed on slopes which are in excess of 25 percent in their natural state. Roads, driveways, or other access ways shall not be constructed on slopes which are in excess of 25 percent in their natural state, either in high elevation areas or en route to high elevation areas.

(f) The highest point of any structure in a high elevation area within 1,000 feet of any segment of a ridge line 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 percent of the average height of the tree canopy within a 100-foot radius of the proposed building site.

(g) 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.

Part I, Section 3. Historic Areas

(1) 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.

(2) Special Performance Standards

In addition to all other applicable performance standards in this Ordinance, 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.

Part II. Performance Standards Generally

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

Part II, Section 1. Environmental

(1) 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 the Town Sewer Ordinance or to another system in compliance with the regulations of the Maine Department of Environmental Protection.

(2) Soils and Earth-Moving

(a) Erosion Control

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.

(b) Excavation and Extraction of Minerals

Any excavation or filling of land or extraction of minerals causing the removal or filling of earth in volumes exceeding one hundred (100) cubic yards in a period of one (1) year shall require an excavation permit from the Code Enforcement Officer. If the excavation or filling affects an area greater than 10,000 sq. ft. within a five-year period, site plan review also shall be required.

Standards for granting of a permit for extraction of minerals or excavation or filling of land are as follows:

(i) The activity will not create a condition adversely affecting the natural drainage of the land;

(ii) 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;

(iii) Sufficient topsoil or loam shall be retained to cover all excavated areas, so that they may be seeded and restored to natural conditions;

(iv) No topsoil shall be removed, except for approved construction and landscaping, from lands which, due to their soil characteristics, are identified as prime farm land.

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.

(3) Storm Water Drainage

(a) Storm water drainage systems shall be designed to minimize the volume and rate of outflow from the development.

(b) Design, construction, and maintenance of drainage facilities shall accommodate at a minimum, a 25-year storm frequency of 2-hour duration.

(4) 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.

(5) Odors

No land use shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.

(6) 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.

(7) 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.

Part II, Section 2. Keeping of Animals

(1) Two and One-half Acres or More *(Amended 06/17/09)*

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 9 hens and/or rabbits shall not be kept on a premise having a lot area less than two- and one-half acres, and shall be kept no closer than 50 feet to any property line.

(2) Less than Two and One-half Acres *(Added 06/17/09)*

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.

Part II, Section 3. Screening and Landscaping

(1) General Standards

(a) For the purpose of this Ordinance, 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 to ten feet. They are used to form physical and visual barriers, add seasonal interest and color, and help define the scale and location of buildings.

(b) The plant materials defined in paragraph (a) shall meet the following minimum size standards at time of installation, with calipers measured at dbh (diameter at breast height):

i.	Canopy trees	1 1/2" caliper
ii.	Evergreen trees	4' height
iii.	Understory trees	1 1/2" caliper
iv.	Shrubs	18" height

(c) Plants required by this Section that die shall be replaced within one growing season.

(2) Parking Areas

(a) Interior Landscaping

1. In addition to required perimeter landscaping, at least five percent of the gross area of all parking lots with twelve or more parking spaces shall be landscaped. Parking lots and parking garages in B-1, B-TR and B-H shall be exempt from this requirement.

2. The required interior landscaping shall include a minimum of one canopy tree, one understory tree, and five shrubs for every twelve 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 Ordinance.

3. The landscaping shall be:

i. in planting areas at least 10 feet wide and located to demarcate the ends of parking rows and to channel pedestrian circulation;

ii. located to break up parking areas into smaller areas of no more than 50 parking spaces each; and

iii. designed to accommodate snow plowing and storage without damage to the plants and trees.

(b) Perimeter Landscaping

1. 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 6 feet wide and may be interrupted only by a driveway meeting the standards of this Ordinance. 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.

2. 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 Ordinance.

3. A commercial parking garage above street level shall be exempt from any perimeter landscaping.

(3) Multifamily , Congregate, and Nonresidential Uses Abutting Residential Uses or District

(a) 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.

(b) 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 6 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 Ordinance.

(4) 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.

(5) 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.

(6) Low Impact Uses

The perimeters of parking lots on the sites of low impact uses, as required by Article X, Part II, Section 3 shall be landscaped to the same standards established for other parking lots, as set forth in this Section.

Part II, Section 4. Off Street-Parking and Loading Standards

(1) Off-Street Parking Requirements

(a) Off-street parking and loading shall be provided in accordance with the requirements of paragraphs (b) and (c) and subsection (4) for each project requiring a permit under Article V, Section 2(1) or Section 2(2) of this Ordinance (except as excluded from that requirement by Article V, Section 3).

(b) Off-street parking shall be provided and maintained in accordance with the following schedule:

1. Dwelling units

i. Dwelling units, including mobile homes, but excluding accessory apartments:

2 spaces per unit

ii. Accessory Apartments:

1 space per unit

iii. Congregate housing:

1 space per unit

2. General business uses

i. The following shall require 1 space per 150 square feet of floor area:

Medical offices

ii. The following shall require 1 space per 250 square feet of floor area:

Retail establishments
Business and professional offices
Personal service establishments and banks
Sports and fitness centers

iii. The following shall require 1 space per 500 square feet of floor area:

Industrial, manufacturing, and warehousing uses

3. Lodgings

i. Motels and hotels:

1 space for each room offered for rent plus 3 spaces

ii. Inns and rooming houses:

1 space for each room offered for rent plus 2 spaces for each dwelling unit

4. Restaurants

1 space for each 4 seats in dining area plus 1 space for each 100 square feet of lounge, bar, and waiting area, plus 1 space for each exterior serving window

5. Commercial passenger vessels for hire, as defined in the Harbor and Waterways Ordinance, which require a victualer's license from the Town of Camden for the sale of food and/or drink.

   1 space for each 4 passengers for which the vessel has capacity to serve

6. Schools

   i. Commercial schools:

      1 space for each 3 students, based on the maximum number of students attending the school at any one period in the day

   ii. Day care centers and nursery schools:

      1 space for each 6 children, based on the maximum number of children attending the facility at any one period in the day

   iii. Public and private schools providing instruction for students up to and including those 15 years of age:

      1 space for each room used for purposes of instruction

   iv. Public and private schools providing instruction for students 16 years of age and over:
   1 space for each 10 seats used for instruction or, if no fixed seats, 1 parking space for each 100 square feet used for purposes of instruction

7. Medical care facilities, excluding medical offices (see general business uses):

   i. Hospitals:

      1 space for each 2 beds

   ii. Nursing and convalescent homes:

      1 space for each 4 beds

8. Places of public assembly, theaters, halls

   1 space for each 4 seats if fixed seating is provided; otherwise 1 space for each 100 square feet of area available for assembly

9. Churches

   1 space for each 4 seats in principal assembly room; no additional parking spaces shall be required for other types of rooms, spaces, or uses

10. Campgrounds

    1 space, plus 1 space for each site available for occupancy

    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.

(c) In computing the required off-street parking, the following rules shall apply:

1. 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.

2. 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 one-half or greater (e.g., 13.5 = 14 spaces; 13.4 = 13 spaces).

3. 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.

4. 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 Ordinance.

5. 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 District. In the B-1 District, 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 Ordinance, 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 1 space per 350 square feet of gross floor area.

(d) 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.

(e) 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.

(f) 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.

(2) Methods of Meeting Parking Requirements

(a) Off-street parking shall be provided by means of covered or uncovered spaces.

(b) The location of off-street parking shall be in a parking facility located within 1000 feet of the principal use measured along lines of public roads.

(c) The location of the required off-street parking shall conform to one or a combination of the following methods:

1. The spaces are located on the same lot as the principal building or use; or

2. 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

3. The spaces are located on a different lot under different ownership and the spaces are leased to the principal use pursuant to paragraph (5)(d) (Terms of agreements and leases) of this Section; or

4. The spaces are located in a parking lot serving another use and:

   i. The spaces are leased to the principal use pursuant to paragraph (5)(d) of this Section, and

   ii. The owner of the principal use who supplies the spaces conforms with the minimum parking requirement of this Ordinance, after deducting spaces leased to a second or alternate use; or

   iii. The Zoning Board of Appeals has approved the joint use of the parking spaces by 2 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

iv. Evidence of agreement between the parties jointly using the parking lot is submitted to the Code Enforcement Officer.

5. Upon application to the Zoning Board of Appeals the off-street parking requirement shall be waived for uses located in the Downtown, Transitional River Business, Harbor Business District and Transitional Harbor Business District if one of the following conditions has been met:

i. 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

ii. The Code Enforcement Officer finds that the property is a participant in the Parking Trust Fund through the payment of a onetime fee, however, Zoning Board approval is not required for participants making annual payments to the Parking Trust Fund; or
(Amended 6/15/10)

iii. 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, Transitional River Business, 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 Ordinance, 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.

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

(5) 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.

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 Ordinance 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.

(d) 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 1 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 paragraph (2)(c)4(iii) and (iv) of this Section.

(e) Evidence of compliance with parking requirements

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 Ordinance (see Article V, Section 6, Penalties).

In addition to the requirements of Article X, Part II, Section 4 (2) (d), 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 Ordinance (See Article V, Section 6 - Penalties).

(3) Parking Facility Layout and Design

(a) No parking space shall be located in a buffer zone or landscaped area required by this Ordinance. 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.

(b) The following design standards shall apply to all parking areas for five or more vehicles:

1. 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 thirteen (13) feet for angle parking of forty-five (45) degrees or less, eighteen (18) feet when spaces are angled from forty-five (45) to sixty (60) degrees, and twenty-four (24) feet when spaces are angled sixty (60) to ninety (90) degrees from the aisle direction.

2. Appropriate driveways from streets or alleys shall be provided. Multifamily residential and congregate housing uses shall be served by driveways no less than ten (10) feet wide nor more than twenty-five (25) feet wide, and no such driveway shall be located within one hundred (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 fifteen (15) feet wide nor more than forty (40) feet wide, and no such driveway shall be located within one hundred (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.

3. Parking spaces for residential uses shall be seventeen (17) feet long and eight (8) feet six (6) inches wide.

4. Parking spaces for non-residential uses shall be seventeen (17) feet long and eight (8) feet six (6) 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 sixteen (16) feet long and eight (8) feet wide.

5. Parking spaces for industrial, warehouse and similar uses shall be at least seventeen (17) feet long and eight (8) feet six (6) inches wide. Motorcycle parking spaces at least ten (10) feet long and five (5) feet wide may be substituted for not more than 10% of the required parking.

6. The parking area shall include screening and landscaping in conformance with Article X, Part II, Section 3.

7. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subbase consisting of at least ten (10) inches of well compacted gravel topped with a wearing surface at least equivalent in qualities of compaction and durability to fine gravel.

(c) In the case of an existing unmarked parking lot, instead of following standards of subsection (b) 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.

(4) Off-Street Loading Standards

Retail, wholesale, and industrial operations with a gross floor area of more than 5,000 sq. ft. shall provide one loading bay, with a minimum dimension of fourteen (14) feet by fifty (50) feet, for each 60,000 sq. ft. of floor area or fraction thereof. Any required bay or bays shall be in addition to the required off-street parking.

(5) 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 (3) 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.

Part II, Section 5. Lots

(1) 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.

(2) 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.

Part II, Section 6. Fences

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

Part II, Section 7. Home Occupations

(1) 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.

(2) 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.

(3) There shall be no exterior storage of materials, no exterior display or other exterior indications of the home occupation other than ~~one sign which shall be attached to the building, shall not exceed four square feet in area~~signs as allowed in Article XI, Section 11.(2)~~, and~~ 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.

(4) 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.

(5) 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 ten vehicular trip ends on week days, 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 ten trip ends per day in any seven day period. Nor shall the home occupation make or receive shipments in trucks more than 3 times in a seven day period.

(6) 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 Part II, Section 4 of this Article, or, if the type of use cannot be classified as one of the uses listed in Part II, Section 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.

(7) The home occupation shall not utilize more than 50% of the total floor area of the dwelling unit plus accessory structure(s).

(8) The home occupation shall include the retailing only of items actually produced on the premises and of other items clearly incidental thereto.

(9) 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.

Part II, Section 8. Approval of State Fire Marshall

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

Part II, Section 9. Mobile Home Parks

All mobile home parks shall conform to the standards set forth in this section of Article X. Mobile home parks are also subject to the requirements of the Subdivision Ordinance 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.

(1) Placement of Units on Lots

Within a licensed mobile home park, which has been approved by the Planning Board in accordance with the Subdivision Ordinance 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.

(2) Lot Requirements

Notwithstanding the minimum lot area requirements of Article VIII of this Ordinance, 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 waste water disposal systems:

Minimum lot area - 20,000 square feet

Minimum lot width - 100 feet

(b) Lots served by one or more centralized subsurface waste water disposal systems serving two or more dwelling units and approved by the Maine Department of Human Services:

Minimum lot area - 12,000 square feet
Minimum lot width - 75 feet

(c) Lots served by a public sewer system:

Minimum lot area - 6,500 square feet
Minimum lot width - 50 feet

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, Part I, Section 1(9), whichever are stricter.

(3) Overall Density

Notwithstanding the lot requirements set forth above, the overall density of any mobile home park served by a central, on-site, subsurface waste water disposal system approved by the Maine Department of Human Services shall not exceed one dwelling unit for each 20,000 square feet.

(4) Setbacks

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.

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.

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 fifteen feet from all boundary lines of the individual lot, and a minimum of thirty 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 paragraph 2 of this Section. Where a mobile home was lawfully placed on a lot prior to the date of adoption of this Ordinance 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.

(5) Buffer Requirements

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.

Within the first twenty-five 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 X, Part II, Section 3(3), Multifamily, Congregate Housing, and Nonresidential Uses Abutting Residential Uses or Districts, of this Zoning Ordinance.

(6) 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, Section 5(3) of this Zoning Ordinance. 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.

(7) Road Standards

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

(a) 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.

(b) 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.

(c) Roads within a mobile home park which the applicant proposes to remain private ways shall meet the following minimum standards:

(1) The roads shall be designed by a professional engineer, registered in the State of Maine.

(2) The roads shall have a minimum right-of-way of twenty-three (23) feet.

(3) The roads shall have a paved travel surface with a minimum width of twenty (20) feet.

(4) The construction of these roads shall meet the standards of the Manufactured Housing Board.

(d) The roads and lots shall be laid out so that no lot within the park shall have direct vehicular access onto a public street.

(e) Any mobile home park expected to generate average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections with existing public streets. Any street within a park with an average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.

(f) The intersection of any street within a park and an existing public street shall meet the following standards.

(1) Angle of Intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

(2) Maximum Grade within one hundred (100) feet of intersection. The maximum permissible grade within one hundred (100) feet of the intersection shall be 3 percent.

(3) Minimum Sight Distance. A minimum sight distance of ten (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 ten (10) feet behind the curb or edge of shoulder line with the height of the eye three and a half (3 1/2) feet above the pavement and the height of object four and a quarter (4 1/2) feet.

(4) Distance from other intersections. The centerline of any street within a park intersecting an existing public street shall be no less than one hundred twenty-five (125) feet from the centerline of any other street intersecting that public street.

(g) 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.

(8) Groundwater Impacts

(a) 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 ground water 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.

(1) A map showing the basic soils types.

(2) The depth to the water table at representative points throughout the mobile home park.

(3) Drainage conditions throughout the mobile home park.

(4) Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.

(5) 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 one thousand (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.

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

(b) Standards for Acceptable Groundwater Impacts

(1) Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

(2) No mobile home park shall increase any contaminant concentration in the groundwater to more than one half 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.

(3) 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.

(4) 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.

(c) Subsurface waste water 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.

(9) 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.

(10) 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 Zoning Ordinance. The conversion shall meet the appropriate lot size, lot width, setback, and other requirements of the Zoning Ordinance and the Subdivision Ordinance for the proposed use.

(11) 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 ground.

(12) 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 (3) feet.

(13) 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.

(14) Signs

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

(a) One (1) identifying sign at each entrance of the mobile home park no larger than twenty-four (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 ten (10) square feet and shall be limited to two (2) signs per mobile home park.

(d) Mobile/manufactured home address signs.

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.

(15) Storage

At least three hundred (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.

(16) 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 Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.

Part II, Section 10. Standards for Older Mobile Homes

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.

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

1974 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 (2) exterior doors not less than twelve (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 thirty-five (35) feet.

(c) All exterior swinging doors shall provide a minimum twenty-eight (28) inches wide by seventy-four (74) inches high clear opening. All exterior sliding glass doors shall provide a minimum twenty-eight (28) inches wide by seventy-two (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 (1) 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 thirty-six (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 fifty-four (54) inches from the finished floor.

(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 4 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 (4) inches to twelve (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 (2) 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, back splashes, 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 twelve (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 (6) inches from the outside edge of the cooking range shall be protected with at least 5/16-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 3-inch eyebrow projecting horizontally from the front cabinet face. The 5/16-inch thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8-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 twenty-four (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 in 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.

Part II, Section 11. ACCESSORY STORAGE CONTAINERS (*Section Added* – 11/5/13)

Accessory storage containers placed after Nov. 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 Nov. 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.

(1) 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.

a. No more than one temporary container shall be located on a lot at any time for any single project.
b. The temporary container shall comply with all minimum yard size requirements of this ordinance.
c. 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.
d. The temporary container shall not displace any parking spaces utilized to meet the parking standards of Section X of this ordinance, 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.
e. 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.
f. 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.
g. 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.
h. At least fifteen 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 $125.00 which shall be forfeited to the Town if the temporary container remains on the lot longer than allowed by subsection (g) above. A separate permit is required each time a temporary container is placed on a lot.

2. Non-Temporary 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:

a. No accessory storage container shall exceed 14 feet in height, 9 feet in width or 55 feet in length.
b. The total floor area of all accessory storage containers on a lot shall not exceed 495 square feet or 5 percent of the floor area of the principal building or buildings on the lot, whichever is greater.
c. Accessory storage containers shall comply with all minimum yard size requirements of this ordinance.
d. Accessory storage containers shall not displace any parking spaces utilized to meet the parking standards of Section XI of this ordinance.
e. 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.
f. The exteriors of accessory storage containers shall contain no signs or advertising material visible from any public way or abutting property.
g. 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.
h. 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.

3. 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.

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