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 "November 15 Amendments to the Town of Camden Zoning Ordinance," which is to be presented to the voters for their consideration at a secret ballot referendum to be held on November 3, 2015.

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: September 1, 2015

Town of Camden Select Board

2015 Proposed Amendments to the Town of Camden Zoning Ordinance

Summary of Proposed Changes

Change	Article Ref.	Rationale – Per Planning Board
Add definition of "Commercial"	III	Current ordinance uses the term "commercial" throughout, but does not define it.
Eliminate "Commercial" from terms "Parking Facility" and "Parking Garage"	III	The term "commercial" was unnecessary and too limiting, now that "commercial" is defined.
"Elderly congregate housing" changed to "congregate housing," with a new definition	III (term changed throughout)	Congregate housing is a type of housing concept in which the individual or family has living quarters with bedrooms and bathrooms, but shares a common area for dining, recreation or other services. The term "elderly" is removed to recognize that such facilities often cater to other types of individuals.
Change to definition of "street level"	III	Language changed to recognize that in a building with two "street levels" those levels may be on adjoining or opposite sides of the building
Provisions applying to commercial and multifamily uses also made applicable to congregate housing	Throughout Art VIII; Art XX	Current ordinance defines elderly congregate housing as a type of multifamily use, so it did not have to be specifically named. Congregate housing is now made a separate type of use, so this specification is necessary.
Parking facilities moved from the list of utility uses to the list of commercial uses	Throughout Art VIII	Parking facilities better fit the commercial category than the utility category
Accessory use on street level clarified	VIII(8) VIII(13) VIII(14) VIII(16) VIII(17)	This clarification is made to better insure that a residential facility (such as an apartment complex or congregate housing facility) cannot bypass the prohibition against residential use of street-level floors by trying to classify certain accessory uses as commercial. Under existing language, an apartment complex could, for example, argue that a coffee shop or rec center at street level is commercial, even though it is only (or predominately) for the use of residents.

Limitation on street level access to residential facilities	VIII(8) VIII(12) VIII(13) VIII(14) VIII(16) VIII(17)	Residential uses on upper-level floors must usually be accessed from street level. This is not specifically permitted in the current ordinance. The proposed amendment allows access, but no greater in scope than the minimum required to meet federal and state building codes or other applicable laws and regulations.
Parking requirements – Elimination of distinction based upon age of resident	X, Part II, §4	There is no real reason to require more or less parking based upon the age of residents. Further, since "elderly" is not currently defined, the application of these provisions is problematic. Broadening site plan review will provide an opportunity for the Planning Board to review the adequacy of parking for any such facility.

ZONING ORDINANCE

OF THE

TOWN OF CAMDEN, MAINE

CERTIFIED:

I hereby certify that this Zoning Ordinance is effective on November 4, 1992. This Zoning Ordinance was enacted at the November 3, 1992 Special Town Meeting and amended at the June 8, 1993 Town Meeting, November 2, 1993 Special Town Meeting, June 14, 1994 Town Meeting, June 13, 1995 Town Meeting, November 7, 1995 Special Town Meeting, June 11, 1996 Town Meeting, June 10, 1997 Town Meeting, November 4, 1997 Special Town Meeting, June 9, 1998 Town Meeting, June 8, 1999 Town Meeting, June 13, 2000 Town Meeting, November 7, 2000 Special Town Meeting, November 6, 2001 Special Town Meeting, June 11, 2002 Town Meeting, June 10, 2003 Town Meeting, November 4, 2003 Special Town Meeting, June 8, 2004 Town Meeting, November 2, 2004 Special Town Meeting, November 8, 2005 Special Town Meeting, June 13, 2006 Town Meeting, November 7, 2006 Special Town Meeting, June 13, 2007 Town Meeting, November 6, 2007 Special Town Meeting, June 10, 2008 Town Meeting and November 4, 2008 Special Town Meeting, June 10, 2009 Town Meeting, November 3, 2009 Special Town Meeting, June 8, 2010 Town Meeting, November 2, 2010 Special Town Meeting, June 12, 2012 Town Meeting, November 6, 2012 Special Town Meeting, November 5, 2013 Special Town Meeting, ~~and~~ June 9, 2015 Town Meeting, and November ?, 2015 Special Town Meeting.

The amendments are effective as of June 15, 1993, November 9, 1993, June 21, 1994, June 20, 1995, November 14, 1995, June 18, 1996, June 17, 1997, and November 11, 1997, June 16, 1998, June 20, 2000, November 14, 2000, November 13, 2001, June 18, 2002, June 17, 2003, November 11, 2003, June 15, 2004, November 9, 2004, November 15, 2005, June 20, 2006, November 14, 2006, June 20, 2007, November 13, 2007, June 17, 2008, November 11, 2008 June 17, 2009, November 10, 2009, June 15, 2010, November 3, 2010, June 12, 2012, November 6, 2012, November 5, 2013, ~~and~~ June 10, 2015, and November ?, 2015 are incorporated into the Zoning Ordinance.

_____

John R. French, Jr., Chair Date
Camden Select Board

Signature of John R French, Jr. attested:

_____

Katrina Oakes, Camden Town Clerk Date

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Article I Title

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

Article II Purpose

This Ordinance, adopted in accordance with the Maine Revised Statutes, is designed to encourage the most appropriate use of the land throughout the Town; to promote the Town's Comprehensive Plan; to foster a pattern of development that respects both villages and the rural landscape while discouraging "sprawl"; to protect existing neighborhoods and encourage formation of new neighborhoods; to provide for vital business areas; to promote traffic safety; to provide safety from fire; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to conserve natural resources; and to provide for adequate public services.

Further, within shoreland areas, this Ordinance is designed to carry out the purposes of the State Shoreland Zoning Program including to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas. *(Amended 11/10/09)*

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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)*

ACCESSORY STORAGE CONTAINER: A roofed container placed outdoors and used for the storage of goods, materials or merchandise, which are utilized in connection with a lawful principal or accessory use of the lot. The term accessory storage container includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars and "piggy-back" containers. The term accessory storage container does not includes a garage or barn accessory to a dwelling or a storage structure accessory to a dwelling provided such structure is not of a type designed, equipped or customarily used for over-the-road transport of goods, materials or merchandise. An accessory storage container is considered a structure and must meet any required setbacks from property lines. *(added 11/5/13)*

AGRICULTURE (or FARMING): The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities. *(Amended 11/10/09)*

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

ALTERNATE CODE ENFORCEMENT OFFICER: A Certified Code Enforcement Officer Appointed by the Camden Board of Selectmen to act in the absence of the appointed Code Enforcement Officer.

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

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

BACK SETBACK: See **SETBACK, BACK**. *(New – 11/15/05)*

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

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

BOAT AND MARINE SALES AND SERVICE: The sale of boats, yachts and accessories including maintenance, storage, repair or rental. The facility may include removal and launching facilities, floats and docks, water and electrical hookups and fuel pumps. *(New – 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 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. *(New – 11/15/05)*

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)*

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

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

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

~~**COMMERCIAL PARKING FACILITY:** An outside lot, or any portion of an outside lot, used for the parking of motor vehicles where that use is a primary use. The term "facility" shall not include a commercial parking garage.~~ ~~*(Amended – 11/13/07)*~~ (

~~**COMMERCIAL PARKING GARAGE:** A building used wholly or in part for commercial parking of vehicles. No parking is permitted above the second story level as measured from street level.~~

COMMERCIAL SCHOOL: See **SCHOOL, COMMERICAL** *(New – 11/15/05)*

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

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

CONGREGATE HOUSING: A type of dwelling in which each individual or family has a private bedroom or living quarters but shares with other residents a common dining room and other common elements. Congregate housing may include services such as a recreation area, housekeeping, personal care and assistance, transportation assistance or specialized services such as medical support that are offered for the use of residents. Incidental use of facilities by the general public shall be permitted, but shall not cause such facilities to be treated as separate uses. Each individual bedroom or living quarters shall be considered an individual dwelling unit for the purposes of this ordinance.. *(new 11-?-2015)*

CONSOLIDATED PIER: A shared pier that meets the standards of Article X, part 1, section 1, (8A).

CORNER LOT: Lot located at the intersection of two streets.

COTTAGE: A dwelling unit designed to be used as a residence during less than six (6) months out of the year which does not qualify as a dwelling as defined herein.

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DAY CARE CENTER (or NURSERY SCHOOL): A facility licensed by the State of Maine for the care or instruction of more than three (3) preschool aged children, exclusive of children who may be living in the home which is serving as the day care or nursery school facility.

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

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

DRIVEWAY: A vehicular access from a public or private way to a structure or use on a lot. Driveways shall be a maximum of twenty (20) feet wide. A driveway may cross front, side and rear setbacks and may be utilized for parking. A driveway is less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less. *(Amended 11/10/09)*

DWELLING: A building used as the living quarters for one or more families. The term "dwelling" shall also include manufactured housing as defined by Title 30-A, M.R.S.A., § 4358(1), as the same may, from time to time, be amended, and an older mobile home as further defined in this Zoning Ordinance.

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

DWELLING, MULTIFAMILY: One or more buildings used for residential occupancy by more than two families, each living independently of the other. *(Amended - 6/20/06)*

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

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

DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one person or family at a time, and containing living, sleeping, toilet and cooking facilities. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time-period

rented. Recreational vehicles are not residential dwelling units. A dwelling unit may not be rented for periods of less than seven (7) consecutive days. *(Amended 11/10/09)*

~~**ELDERLY CONGREGATE HOUSING:** A type of multifamily dwelling, including multiple individual rooms or dwelling units, to be occupied by elderly persons as a residential shared living environment. Such construction will normally include small individual apartments, combined with shared community space, shared dining facilities, housekeeping services, personal care and assistance, transportation assistance, and specialized shared services such as medical support services and physical therapy.~~

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ESSENTIAL SERVICES: The construction, alteration, or maintenance of the following facilities, provided they serve primarily the Town of Camden or a neighborhood or structure within the Town: steam, fuel, gas, communication, transportation, electric power, or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services. See also Public Utility. Essential services shall not be subject to the space and bulk standards of this Ordinance.

The Essential Services shall not include a wireless telecommunications facility for which a permit is necessary in accordance with the Wireless Telecommunications Facility Siting Ordinance, except that a wireless telecommunications facility shall be deemed to be an Essential Service in the following limited circumstances:

(a) when such facility or a structure which is part of such facility involves co-location as part of an existing wireless telecommunications facility up issuance of a permit by the Code Enforcement Officer as set for in Section 4.1 of the Wireless Telecommunications Facility Siting Ordinance;

(b) location of an antenna in an existing structure, such as (for purposes of illustration) a church steeple, silo or multi-story building, with no exterior storage of equipment outside that existing structure.

ESTABLISHED UNIFORM SETBACK RELATIONSHIP: For purposes of the determination of the front setback in the Traditional Village District (V), the Village Extension District (VE), the Transitional Business District (B-3), and the Neighborhood Service District (B-4), the established uniform setback relationship is the established relationship which is deemed to exist when the distance between the part of the principal building nearest to the street and the edge of the right-of-way of that adjoining street for the two adjacent lots fronting on the same street on each side of the subject parcel (the parcel for which the setback is being determined) is, for each such building, within 5 feet of the average setback distances of the principal buildings on those 4 lots.

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

FAST FOOD RESTAURANT and TAKE-OUT FOOD SERVICE: See FOOD SERVICE

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

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

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

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

> **GROSS FLOOR AREA:** The floor area within the inside perimeter of the *exterior walls* of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding *exterior walls* shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings and areas with less than 6' of headroom. (*Amended - 6/9/2015)*
>
> **NET FLOOR AREA:** The calculation of the sum of the floor area devoted to the permitted use(s) on all floors of the building for the purpose of determining a parking requirement. Other areas, such as those used for utilities, storage, stairs, corridors and rest rooms, shall not be included in the calculation. *(New - 6/20/06), (Amended - 6/9/2015)*

FLOOR AREA RATIO (FAR): Floor area ratio (FAR) is the ratio of total building floor area in relation to the area of a parcel. . A parcel in a Business Opportunity Zone has a maximum FAR of 2 which when multiplied by the parcel area, produces the maximum amount of net floor area that is allowed under the Ordinance on that particular parcel. (*New- 6/9/2015)*

FOOD SERVICE: A place for the serving of prepared food and beverages to the public. For the purposes of this Ordinance, establishments involved with food service shall be divided into the following categories:

> **SIT-DOWN RESTAURANTS:** A full service eating facility that meets all the following criteria:
>
> 1. Food and beverages are served at a table for consumption exclusively on the premises.
> 2. Plates and utensils are washed on the premises.
> 3. At least 50% of the seating is within the building.

4. State and town hygiene requirements are met.

A sit-down restaurant does not meet the criteria for a fast food restaurant.

FAST FOOD RESTAURANT: A facility where the food and/or beverages are (1) primarily intended for immediate consumption, (2) available upon a short waiting time, (3) served over the counter rather than at a table, and (4) prepackaged or presented in such a manner that the food and/or beverages can be readily eaten off the premises where sold. For the purposes of this Ordinance, a fast food restaurant shall not be considered an accessory use even if subordinate to another use.

TAKE-OUT FOOD SERVICE: The sale of prepared food and/or beverages by an establishment whose space is devoted principally to the sale of groceries, including grocery stores, bakeries, wine and cheese stores, and similar establishments that sell food for use in the home. For the purposes of this Ordinance, such sale of prepared food and/or beverages shall be considered accessory to the principal use.

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

FOUNDATION: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material. *(New - 6/20/06)*

FRONTAGE: The linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of this Ordinance, the following ways shall constitute legal access to a lot along which frontage shall be measured:

(1) a way accepted by or established as belonging to the Town of Camden, Knox County, or the State of Maine, provided access is not specifically prohibited;

(2) a way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;

(3) a private or public way which has not been approved by a governmental subdivision but which has been established in a deed recorded in a registry of deeds or otherwise legally established by adverse possession or adverse use.

In the case of a lot bordering upon more than one way as defined above, the measurement of frontage shall include the entire length of the property line along such way or ways. Minimum street frontage shall mean continuous frontage.

FRONT SETBACK: See **SETBACK, FRONT** *(New – 11/15/05*

FUNCTION HALL: A building or a portion of a building used for the purpose of hosting a function, such as a conference, party, banquet, reception or other social event. *(Added 06/17/09)*

FUNCTIONALLY WATER-DEPENDENT USES: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and that cannot be located away from these waters. The uses include, but are not limited to: commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, shipyards, boat yards, and boat building facilities, marinas, navigation aides, basins and channels, retaining walls, industrial uses dependent upon water borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to coastal or inland waters. *(Amended 11/10/09, 6/15/10)*

FUNERAL HOMES: Establishments where the deceased are prepared for burial or cremation, where the body may be viewed, and where funeral services are sometimes held. *(New – 11/15/05)*

GAS STATION: An establishment where gasoline and other petroleum products are sold principally for use in motor vehicles. A gas station may not be considered an accessory use, except; 1) at marinas if the sale of gasoline for use in motor vehicles is incidental and accessory to the sale of fuel for marine purposes; and 2) as a Special Exception in the Business Opportunity Zone as described in Article VIII Section 17. (Amended 6/9/2015)

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

GREAT POND: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. Any pond known as GPA, pursuant to 38 M.R.S.A. Article 4-A, § 465-A. *(New last sentence - 11/2/10)*

GROUND COVERAGE: The percent of lot area covered or occupied by all structures, parking lots, and other disturbed surfaces that are non-vegetated.

HAIR SALON: A place where hair is cut and styled. The use may include ancillary services, such as facials, manicures, pedicures and tanning devices. *(New - 6/20/06)*

HARBOR LINE: The harbor line for the inner harbor is the line as described on the Official Zoning Map B of the Town of Camden as adopted by a vote of the electoral body on June 10, 1986. The harbor line for the remainder of the Town's shoreland area is the mean high water line.

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

HEIGHT OF BUILDING OR STRUCTURE: Vertical measurement from a point on the ground at the average original grade adjoining the foundation to the highest point of the building or structure, excluding incidental protrusions. In all districts except the Harbor Business District, the height specified in Article VIII may be increased by four feet if all roof areas of the structure above 16 feet have a pitch of five in twelve or greater. *(Second sentence amended - 6/20/06)*

Original grade: the grade of the land that exists prior to the beginning of the proposed construction; provided, however, that if the grade has been altered in the twelve months prior to the application for a building permit for the proposed construction, as evidenced by a building permit or an excavation permit issued pursuant to Article V, Section 2, or Article X, Part II, Section 1((2)(b), the original grade shall be the grade of the land that existed prior to the alteration.

Average original grade: except for buildings wholly or partially within the flood plain, average original grade shall be calculated by taking the original grade elevations every ten feet along the perimeter of the foundation or proposed foundation, beginning at the lowest point. The average of all of these elevations shall be the average original grade from which the height of building is measured.

For buildings or structures wholly or partially within the flood plain, the lowest original grade for purposes of calculating average original grade shall be the lowest floor level allowed by the Camden Flood Plain Management Ordinance; except that any building or structure existing as of June 9, 1992, whose average grade as of that date is lower than the lowest floor allowed by the Camden Flood Plain Management Ordinance, shall be measured from the average original grade existing as of that date. The applicant shall have the burden of submitting sufficient evidence of the average original grade existing as of June 9, 1992. Notwithstanding the calculation of height set forth above in this paragraph, for nonresidential buildings of one story, used exclusively for construction, storage or repair of boats or ships on lots abutting the inner harbor, height of such a building shall be calculated as a vertical measurement exclusively from the lowest floor for that building allowed by the Camden Flood Plain Management Ordinance.

A plan of the building or structure, prepared by a registered professional (either surveyor, engineer, or architect) showing elevations in at least ten-foot horizontal increments around the foundation or the proposed foundation, shall be submitted with any building permit application, unless the vertical measurement from the lowest original grade adjoining the foundation to the highest point of the building or structure, excluding incidental protrusions, is less than the maximum height allowed in the District, or unless the application does not entail a change in the maximum existing height of the building or structure.

Incidental protrusions shall mean structures attached or fixed to a building or structure which do not exceed in area five percent of the ground coverage of the building or structure, or

proposed building or structure. Chimneys, antennas, cupolas, towers, or steeples are examples of the type of structures that are usually considered incidental protrusions.

The term "height of building" shall also mean the height of a structure.

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

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

HOME OCCUPATION: An occupation or profession which is accessory to a residential use and is customarily carried on in a dwelling unit or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; and conforms with the standards of Article X, Part II, Section 7 of this Ordinance.

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

HOTEL OR MOTEL: See **LODGING**

INDIVIDUAL PRIVATE CAMPSITE: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform. *(Amended 11/10/09)*

INN: See **LODGING**

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

(1) Three or more unserviceable, discarded, worn-out, or junked motor vehicles as defined by state law, not including temporary storage, as defined by state law, by an establishment or place of business engaged primarily in doing auto body repair work for the purpose of rendering a motor vehicle serviceable;

(2) Discarded, worn-out, or junked plumbing, heating supplies, household appliances, and furniture;

(3) Discarded, scrap, junked lumber; or

(4) Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material.

LOCAL PASSENGER TRANSPORTATION SERVICE: A privately owned for-hire company that provides transportation services to customers. (*New 6/9/2015)*

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

HOMESTAY: A use that is accessory and incidental to the primary use of a dwelling as a residence and that (1) provides one or two furnished bedrooms for rent to guests; (2) is operated by the family or person residing permanently in the home; (3) employs no persons who are not residing permanently in the home; (4) exhibits no signs and conducts no advertising other than being listed with a referral service; (5) provides all parking on-site; and (6) gives no other exterior display or indication of the activity. A maximum of one homestay is allowed per multifamily building.

ROOMING HOUSE: A building of residential character in which three, but no more than ten, furnished rooming house bedrooms are rented to guests usually staying more than two weeks for the purpose of lodging and/or the taking of meals, and in which the family or person residing permanently in the home acts as proprietor. The minimum lot area per room shall be 3,000 square feet.

INN: A type of lodging based in the permanent dwelling of the person or family acting as proprietor and that accommodates for a fee travelers and other transient guests who are staying for a limited duration. An inn (1) has ten or fewer sleeping rooms offered for rent; (2) does not provide full service dining, but may serve breakfast and/or an afternoon snack to guests only, and (3) may be licensed to host up to eight special functions per year, including the serving of meals to such gatherings, provided that written notification is provided to the Code Enforcement Officer and that parking for such functions is provided on-site or through other off-street arrangements. An inn located on a nonconforming lot shall be subject to the terms of Article VI, Section 2(2) (c) of this Ordinance.

HOTEL OR MOTEL: A commercial building or group of buildings built or converted to accommodate for a fee, travelers and other transient guests, who are staying for a limited duration, with sleeping rooms (with or without cooking facilities). A hotel or motel may include restaurant facilities where food is prepared and meals are served only to its overnight guests.

LOT: All contiguous land in parcels in single or joint ownership described on a deed, plot plan, or similar legal document recorded in the Knox County Registry of Deeds and having frontage. In the shoreland zone, the area of a lot is the area of land enclosed within the boundary lines of the lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots. *(Amended 11/10/09)*

LOT COVERAGE: See Ground Coverage.

LOW IMPACT USE: A commercial or other nonresidential use not otherwise allowed in a zoning district that shares a structure with a dwelling unit and that complies with the standards of Article VII, Section 4, (9), of this Ordinance, which standards are intended to assure that the use fits into its surroundings without adverse impact while allowing a reasonable degree of diversity characteristic of village settings. A low impact use is not required to meet the standards of Article X, Part II, Section 7.

MANUFACTURED HOUSING: See **DWELLING**

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

MARINA: A business establishment having frontage on navigable water and, as its principal use, providing for offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities. *(Amended 11/10/09)*

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

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

MINERAL EXTRACTION: Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports the product removed, away from the extraction site.

MOBILE HOME PARK: A parcel of land approved by the municipality for the placement of three (3) or more units of manufactured housing or older mobile homes on mobile home park lots in accordance with provisions of this Ordinance.

MOTOR HOME SALES: The sale of vehicles with a room behind the driver's seat, outfitted as living quarters. *(New – 11/15/05)*

MOTOR VEHICLE SALES: The sale of automobiles, trucks, buses or similar motor-driven conveyances. *(New – 11/15/05)*

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

MUBEC: "MUBEC" or "this Code" means the Maine Uniform Building and Energy Code adopted pursuant to 10 M.R.S.A. § 9271 *et seq*. *(New – 6/12/12)*

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

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

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

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

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

NON-RESIDENTIAL USE: The use of a lot, which fails to meet the definition of **"RESIDENTIAL USE."**

NORMAL HIGH WATER MARK OR LINE - INLAND: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. *(Amended 11/10/09, 6/15/10)*

NURSERY SCHOOL: See **DAY CARE CENTER (or NURSERY SCHOOL)** *(New – 11/15/05)*

NURSING OR CONVALESCENT HOME: A facility in which nursing care and medical services are performed under the general direction of persons licensed to practice medicine in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a 24-hour basis, nursing care and related medical services.

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

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

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

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

PARKING FACILITY: An outside lot, or any portion of a lot, used for the parking of motor vehicles where that use is a primary use. The term "facility" shall not include a parking garage *(new 11-?-2015)*

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PARKING GARAGE: A building used wholly or in part for commercial parking of vehicle. No parking is permitted above the second story level as measured from street level. *(new 11-?-2015)*

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

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

PIER: A permanent platform-type structure connected to the shoreline and usually built perpendicular therefrom over or beyond the normal high-water line or within a wetland, supported by pilings or cribbing. It is used for the berthing, loading, and unloading of vessels in coastal areas. *(Amended - 6/20/06) (Amended 11/10/09)*

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

PRIVATE SCHOOL: See **SCHOOL, PRIVATE (***New – 11/15/05)*

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

PUBLIC SCHOOL: See **SCHOOL, PUBLIC** *(New – 11/15/05)*

PUBLIC UTILITY: Those essential public services, such as, but not limited to, water, sewer, electricity, telephone, cable, data, gas, and transportation, whether publicly or privately owned, which are regulated by the Maine Public Utilities Commission, the Maine Department of Transportation, or Federal Communications Commission. This term also includes buildings, which are necessary for the furnishing of essential public services. See also Essential Services. *(Amended - 6/20/06)*

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

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

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

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

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

1. Any lot located in the V, VE, CR, RU-1, RU-2 or RP Districts, that contains both residential and non-residential uses, shall be considered a lot in residential use.

2. Any lot located in the B-3 or B-4 Districts shall be considered a lot in residential use if more than 50 percent of the floor area of all structures is residential.

3. Any lot located in the I, B-1, B-2, B-H, B-TH, B-TR or B-R Districts shall be considered a lot in residential use, only if the entire use is residential. *(amended – 11/14/06, 11/?/2015)*

RESTAURANT: See **FOOD SERVICE**

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

ROAD CONSTRUCTION: Construction of public or private roads that are part of a State or municipally approved project serving the public and/or roads constructed as part of an approved Subdivision or Site Plan. (*New 6/9/2015)*

ROOMING OR BOARDING HOUSE: See **LODGING.**

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

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

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

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

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

SETBACK, SHORELAND: The nearest horizontal distance from the normal high water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area. *(Added 11/10/09)*

SETBACK, SIDE: The distance between the side property line and the nearest part of any principal or accessory structure on the lot measured from overhangs or other permanent

protrusions. Any lot line not a back lot line or a front lot line shall be deemed a side lot line. Side setback and side yard are synonymous.

SHORE FRONTAGE: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline. *(Amended 11/10/09)*

SHORELAND AREA OR SHORELAND ZONE: The land area located within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any great pond, river; within two hundred fifty (250) feet of the upland edge of a coastal or freshwater wetland, including all areas affected by tidal action; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. *(Amended 11/10/09)*

SIDE SETBACK: See **SETBACK, SIDE** *(New – 11/15/05)*

SIGN: All definitions pertaining to signs are contained in Article XI of this Ordinance.

SINGLE FAMILY DWELLING: See **DWELLING, SINGLE FAMILY** *(New – 11/15/05)*

SIT-DOWN RESTAURANT: See **FOOD SERVICE** *(New – 11/15/05)*

SPECIAL EXCEPTION: A use that is generally appropriate within a zoning district but that has the potential for undue impacts on the public health, safety, and welfare, the natural environment, or on municipal services in the district. Such uses may be allowed if specific provision is made for them within the zoning district and if approved by the Zoning Board of Appeals pursuant to the standards contained in Article VII, Section 4 of this Ordinance.

STREAM: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minutes series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area. *(Amended 11/10/09)*

STREET LEVEL: The floor of a building that opens to a pedestrian or vehicular way. When a floor is not at the level of the pedestrian or vehicular way, then the floor is at street level when it is less than 8 vertical feet above or below the level of the pedestrian or vehicular way. *(Appendix 1, examples A, B, C)* Street level also occurs in the following four circumstances:

1) When the grade of the pedestrian or vehicular way slopes along the side of a building, then street level is the lowest floor that has more than 50% of its floor area above the existing or finished grade. *(Appendix 1, example D)*
2) When due to the slope of a site, a building has street level on one side and a lower floor that opens to a pedestrian or vehicular way on ~~the opposite~~ any other side, then the building has two street levels. *(Appendix 1, example E)*
3) When a building is located in the 100-year floodplain, street level is the lowest floor that is at least one foot above the 100-year base flood elevation. When due to the slope of the site, a

building also has a street level on ~~the opposite~~ any other side, as defined above, then the building has two street levels. *(Appendix 1, example F)*

4) When a building is not located in a floodplain, or does not open to a pedestrian or vehicular way, then street level is the lowest floor, excluding the basement that opens directly to the existing or finished grade. *(Appendix 1, examples G, H)*

(Entire definition revised 6/17/08) (amended 11/?/2015)

STRUCTURE: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, excluding fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes. In areas other than shoreland zones, driveways, walkways, patios, or other paved surfaces and essential services are not structures. *(Amended 11/10/09)*

SUSTAINED SLOPE: A sustained slope is the average grade over a horizontal distance of more than 75 feet. *(new – 11/14/06)*

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

TEMPORARY STRUCTURE: A structure in place for less than nine months in any 12-month period. Temporary structures shall be limited by space and bulk standards set forth in the Zoning Districts.

TEMPORARY STRUCTURE FOR A FUNCTIONALLY WATER-DEPENDENT USE: A structure in place for less than nine months in any 12-month period for the purpose of marine boat repair or construction, or for any other use functionally dependent upon harbor, bay, or shoreline activities. A temporary structure for functionally water-dependent uses shall be subject to the particular height and ground coverage requirements in Article VIII, Section 12(E)(2).

THEATER: A facility devoted to showing motion pictures, or for dramatic, musical, or other live performances. *(Amended 06/17/09)*

TIMBER HARVESTING: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated in Article X, Part I, Section 1(14) *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.* As used in this Ordinance, timber harvesting is distinct from clear cutting, which is separately defined. *(Amended 11/10/09)*

TOWN DIRECTIONAL SIGNAGE: A coordinated system of municipal signage to direct vehicular and pedestrian traffic to public facilities and to shopping and recreational districts within the Town of Camden. *(Added 06/17/09)*

TRADESMAN SHOP: The shop of an artist, craftsperson or person in a skilled trade, which may include retailing of items produced on the premises. *(Amended 06/17/09)*

TRIBUTARY STREAM: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydraulically with other water bodies. This definition does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. *(New 11/9/04) (Amended 11/10/09)*

TWO FAMILY DWELLING: See **DWELLING, TWO FAMILY** *(New – 11/15/05)*

UNIFORM SETBACK RELATIONSHIP: See **ESTABLISHED UNIFORM SETBACK RELATIONSHIP** *(New – 11/15/05)*

UPLAND EDGE OF A WETLAND: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller. *(Amended 11/10/09)*

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

VEGETATION: All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4-½ feet above ground level. *(Added 11/10/09)*

VOLUME: The amount of space enclosed by roof and fixed, solid, exterior walls as measured from the exterior faces of the walls and roof. A basement shall be considered volume if it has a concrete floor and at least seven (7) feet of head room.

WATER BODY: Any great pond, river or stream. *(Added 11/10/09)*

WETLAND, FORESTED: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller. *(Added 11/10/09)*

WETLAND, INLAND OR FRESHWATER: *(Amended 11/10/09)* Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, that are:

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

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

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

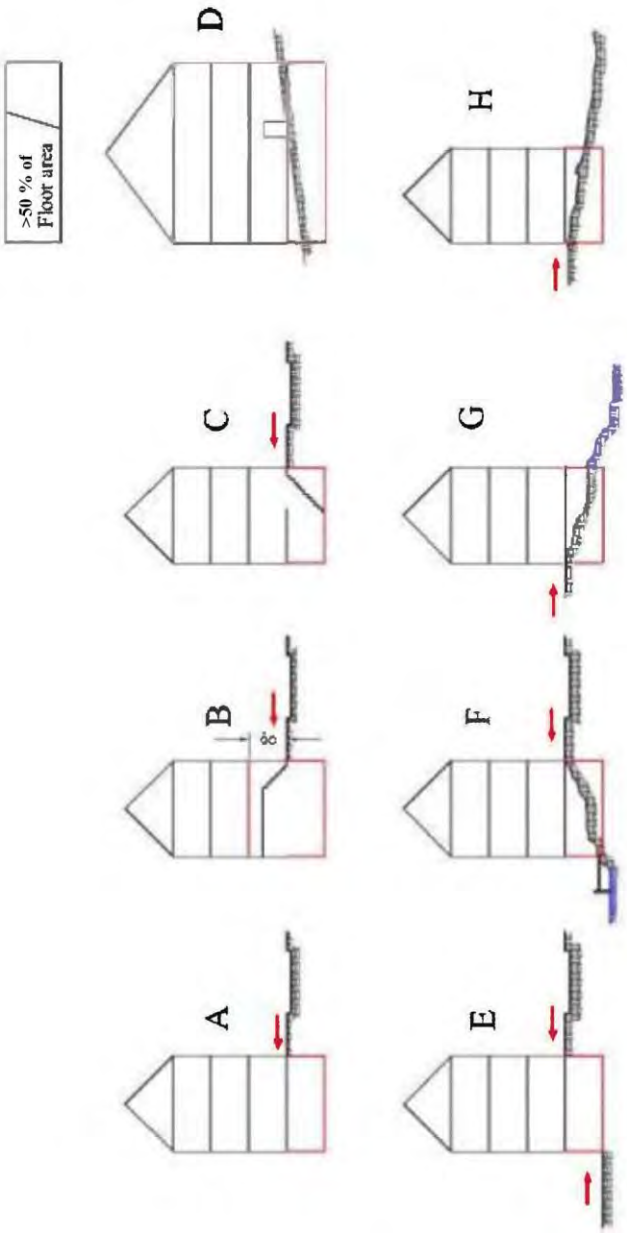
WHARF: A platform-type structure connected to the shoreline and built parallel therefrom over the water, supported by piling or cribbing, used for the berthing, loading and unloading of vessels. *(New - 6/20/06)*

WHOLESALE TRADE: The sale of goods in quantity, as to retailers for resale. *(New – 11/15/05)*

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

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

APPENDIX 1 - STREET LEVEL EXAMPLES



Article IV Establishment of Districts

Section 1. Zoning Map

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

Section 2. Zoning Districts

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

Natural Resource Protection (RP) District

Rural 1 (RU-1) District

Rural 2 (RU-2) District

Rural Recreation (RR) District

Village Extension (VE) District

Traditional Village (V) District

Coastal Residential (CR) District

Downtown Business (B-1) District

Highway Business (B-2) District

Business Transition (B-3) District

Neighborhood Service (B-4) District

Harbor Business (B-H) District

Transitional Harbor Business (B-TH) District *(added 11/11/08)*
River Business (B-R) District

Transitional River Business (B-TR) District

Industrial (I) District

In addition, there are established three overlay areas, which, in addition to the standards of the zoning districts they overlay, are governed by performance standards set forth in Article X, Part 1, Section 1 - 3. The overlay areas address shoreland areas, high elevation areas, and historic areas. An additional overlay zone, The Business Opportunity Zone, subject to the standards found in Article XII, Section 6, (12) which may be used in lieu of the current zoning for Zoning Districts B-2, B-3, B-4, B-R, and B-TR. *(Amended 6/9/2015)*

Section 3. District Boundaries

(1) Uncertainty of boundaries

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

(a) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

(b) Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;

(c) Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;

(d) Boundaries indicated as following shorelines shall be construed to follow the normal high water line, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center line;

(e) Boundaries indicated as being parallel to or extensions of features indicated in paragraphs (a) through (d) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Any conflict between the zoning map and description of metes and bounds in a deed shall be resolved in favor of the description by metes and bounds.

(f) Where physical or cultural features existing in the ground are at variance with those shown on the Official Zoning Map or in circumstances where the items covered by paragraphs (a) through (e) above are not clear, the Zoning Board of Appeals shall interpret the district boundaries.

(2) Division of lots by district boundaries

Where a zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended into the more restricted portion of the lot, but not more than 50 feet; provided, however, that minimum side

yard and back yard requirements and buffering requirements for nonresidential, ~~or~~ multifamily, or congregate housing use abutting a residential use shall be observed.*(amended 11/?/2015)*

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Article V Administration and Enforcement

Section 1. Administrative Official

The Code Enforcement Officer shall enforce this Ordinance, for which purpose he shall establish reasonable procedures. He shall have all of the duties, responsibilities and powers set forth in state statute or local ordinance, including but not limited to the power to issue "stop work" orders, notices of violation of the Ordinance and orders to cease violations, or similar notices in the execution of his duties and the authority to revoke building permits as a result of violations of the Zoning Ordinance and/or MUBEC. by the permittee, noncompliance with the building permit, or other sufficient cause under the Zoning Ordinance and/or MUBEC. He shall keep all activities within the jurisdiction of this Ordinance under surveillance. He shall examine all applications for permits or other actions under this Ordinance and within sixty (60) days from the receipt of such application grant building and/or use permits to those applications acceptable according to the terms of this Ordinance, or issue a denial in writing with reasons therefore to those applications which are violations of this Ordinance or do not otherwise conform to the terms of this Ordinance. The Code Enforcement Officer shall cause to be posted in the Town Office and on the Town web site a monthly report of building permits within 15 days of the end of the month. The Code Enforcement Officer shall keep records of his proceedings and such records shall be made public. He shall institute or cause to be instituted in the name of the Town any actions that might be appropriate for the enforcement of this Ordinance and for prosecutions of violations of this Ordinance. He shall report to the Town Manager any changes that might be needed in the Ordinance and prepare a file for review by the Selectmen and Planning Board for future action. He shall follow up all building and/or use permits to ascertain compliance with any conditions or restrictions imposed on the permittee by the Code Enforcement Officer, Planning Board, or the Zoning Board of Appeals. *(Amended 6/12/12)*

The action of the Code Enforcement Officer in issuing a "stop work" order, notices of violations, or similar notices, and the action of the Code Enforcement Officer in revoking building permits, shall be appealable to the Zoning Board of Appeals by an aggrieved person or party within fifteen (15) days after the date of receipt of notice of such action by the aggrieved person or party. All other appeals to the Code Enforcement Officer shall conform with the time periods set forth in Article V, Section 5 of this Zoning Ordinance. Upon appointment by the Board of Selectmen, the Alternate Code Enforcement Officer shall have all the duties, responsibilities and authority of the Code Enforcement Officer.

Section 2. Permits Required

None of the following actions shall be taken until the Code Enforcement Officer has issued a building and/or use permit certifying that the plans of an intended use of the land or building are in conformity with this Ordinance. No permit shall be issued for a project that includes a new driveway, until a driveway/access permit has been issued by the Road Commissioner and/or the Maine Department of Transportation. Said permit shall be posted on site in a manner that is visible from a public way within seven working days of issuance. In

addition to the actions identified below, this Ordinance applies to any other actions, which do not require a building or use permit. *(Second sentence added - 6/20/06)*

(1) Construction, enlargement, alteration, demolition, or moving of any building or structure, including temporary structures, when the fair and reasonable value of such labor and materials used exceeds $2,000.00 cumulatively within a 12-month period or work requiring a permit per section 105 and R105 of MUBEC. Although no permit is required, if the fair and reasonable value of said labor and materials used is equal to or less than $2,000.00 cumulatively within a 12-month period or is exempt per section 105 and R105 of MUBEC., said construction, enlargement, alteration, demolition, or moving of any building or structure must still comply with all the provisions of this Ordinance. *(Amended 06/12/12)*

(2) New use, including a new commercial use or a change of majority ownership or a modification that is subject to an ordinance requirement or review criteria for that commercial use. *(Amended 6/15/10)*

(3) Change of exterior dimensions and/or illumination of an existing sign.

(4) Extraction of mineral resources.

(5) Excavation or filling of land causing the removal or filling of earth in volumes exceeding one hundred (100) cubic yards in a period of one (1) year.

(6) The provision, whether by fee simple ownership, lease, or other agreement, of off-street parking spaces located on a different lot other than the principal building or use in order to comply with the off-street parking requirements of this Ordinance.

Permits issued under (2) and (6) above are exempt from the posting requirement.

Section 3. Exclusions from Permitting

The following activities are excluded from permitting: Any activities exempted under the MUBEC; painting; and landscaping activities not part of projects or developments requiring site plan review. *(Amended 06/12/12)*

Section 4. Certificate of Occupancy *(Amended 06/12/12)*

(1) This Section shall apply to all activities requiring a building permit, including alterations and renovations to single family and two-family dwellings. This section does not apply to work exempt from permitting under the MUBEC and accessory buildings and structures not for human occupancy. *(Amended 06/12/12)*

(2) Except as provided in paragraph (1) of this Section, it shall be unlawful to use or occupy or permit the use or occupancy of any land, building, structure or part thereof which is created, erected, moved, changed, converted, altered or enlarged, or to change, alter or

enlarge the use of any land, building, or structure for which a building permit is required until a Certificate of Occupancy is issued therefore by the Code Enforcement Officer and endorsed to the effect that the proposed use of the land, building, or structure conforms with the requirements of this Ordinance and with applicable state statutes governing plumbing permits and electrical permits. *(Amended 06/12/12)*

(3) An applicant shall apply for a Certificate of Occupancy at the same time as applying for a building permit. After completion of the work permitted by the building permit, the applicant shall notify the Code Enforcement Officer, who shall issue or deny the Certificate of Occupancy within fifteen days. The Code Enforcement Officer's failure to act within fifteen days shall constitute denial of the Certificate of Occupancy. The Code Enforcement Officer shall issue the Certificate of Occupancy only upon finding that the building, structure, or site and the use or occupancy thereof comply with the provisions of this Ordinance and of any building permit issued, and of any site plan or subdivision plan approved by the Planning Board or Zoning Board of Appeals. The Code Enforcement Officer shall maintain a public record of all Certificates of Occupancy which are issued. *(Amended 06/12/12)*

(4) One conditional Certificate of Occupancy, valid for no more than six (6) months from the date of issuance may be granted by the Code Enforcement Officer based on a showing of reasonable need by the applicant. Once the project is completed, the CEO shall issue a Certificate of Occupancy. *(Amended 06/12/12)*

Section 5. Fee and Time Limits

(1) Application shall be in writing on forms provided by the Code Enforcement Officer and account for all aspects to which this Ordinance applies. Building permits are valid for six (6) months for the beginning of construction or use and for two (2) years for the completion of construction, including finish grading, landscaping, proper backfill, proper drainage, and all other things to cause the construction, renovation, or change to look presentable. An extension of time for six months to commence or to complete may be granted upon application to and approval by the Code Enforcement Officer, upon a showing by the applicant of reasonable need, unless the zoning ordinance requirements had been changed after the issuance and receipt of the original permit, in which case the request for extension may be granted only upon application to and approval by the Zoning Board of Appeals. A fee schedule for building or use permits shall be established by the Selectmen annually and the Selectmen shall annually establish a fee for applications for building and/or use permits that are filed by the applicant after the commencement of the activity for which the permit is required, such fee to be greater than the fee for an application that was filed in a timely manner.

(2) Administrative appeals to the Zoning Board of Appeals from an action of the Code Enforcement Officer in issuing or denying building permits or Certificates of Occupancy shall be made within sixty (60) days of the date of such action or non-action by the Code Enforcement Officer. Failure of the Code Enforcement Officer to act upon a request for

action, except for an application for a Certificate of Occupancy, or upon an application for a building permit and/or use permit within sixty (60) days of the date of receipt of such application by the Code Enforcement Officer shall constitute denial of that request or application. The Zoning Board of Appeals shall have no authority to decide an appeal or to accept any appeal which has not been made within such sixty-day (60-day) period. *(Amended 06/12/12)*

Section 6. Penalties

The monetary penalties for violations of this Ordinance shall be as follows:

(1) The minimum penalty for starting construction or undertaking land use activity without a required permit shall be $100, and the maximum penalty shall be $2,500 per day.

(2) If a required permit is not displayed within seven (7) days of issuance, it shall become null and void, and fees are not refundable.

(3) The minimum penalty for any other specific violation shall be $100 and the maximum penalty shall be $2,500 per day.

In all other respects, assessments of penalties under this Ordinance shall be in accordance with Title 30-A, Maine Revised Statutes Annotated, § 4452. Assessment of penalties shall commence 48 hours after the date of a certified mailing of a notice of violation signed by the Code Enforcement Officer to the person or party in violation of this Ordinance. Such notice shall be mailed with return receipt requested to the last known address of the person or party in violation of this Ordinance. Return of the receipt indicating that the notice was undeliverable as addressed or otherwise not delivered to the person or party in question shall not in any respect invalidate enforcement of this Ordinance or any penalties for violations thereof. In addition to penalties provided herein, the Town may bring an action in the Superior Court or District Court to enjoin violations of this Ordinance, for collection of penalties, and for such other relief as by law may be provided.

Section 7. Legal actions, consent agreements and consent orders

When the actions of the Code Enforcement Officer do not result in the correction or abatement of violations of this Ordinance, the municipal officers (the Select Board), upon notice from the Code Enforcement Officer, are hereby authorized to institute any and all actions or proceedings, either legal or equitable, including seeking injunctions concerning violations and the imposition of fines and penalties pursuant to Title 30-A, Maine Revised Statutes Annotated, §4452, seeking the relief and monetary penalties set forth in that statute, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless the municipal officers are satisfied by the party requesting a consent agreement , that the following conditions have been met.

1. there is no evidence that the landowner or the violator of the Ordinance acted in bad faith;
2. there are no prior violations by the landowner or the violator;
3. the violation did not continue following a municipal order to stop the violation; and
4. the illegal structure or use will not result in a threat or hazard to public health and safety and will not result in substantial environmental damage.
5. The illegal structure or use does not have a significant adverse effect on the value or possession of adjoining properties.

The municipal officers shall give notice to all landowners with land abutting a lot for which a structure or use involves a consent agreement of the Select Board meeting at which the Select Board considers the request for a consent agreement.

In addition to the authority to seek an administrative consent agreement as set forth above, the municipal officers are also authorized to enter into administrative consent orders subject to approval of the Court. The municipal officers shall have the authority to enter into an administrative consent order on such terms and conditions as the municipal officers deem proper.

Upon enactment, this amendment to the Zoning Ordinance shall be effective immediately.

Upon enactment, this amendment shall also amend the appropriate provisions in Chapter XII of the Camden Code. *(New Section 7 – 6/17/03)*

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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) Expansion 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 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). *(New last sentence – 11/15/05)*

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

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) 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.

(b) 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.

(c) 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) 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

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.

(3) 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 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, (2) 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.

(4) 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.

(5) 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)*

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.

Article VII Zoning Board of Appeals

Section 1. Appointment and Composition

(1) There shall be a Zoning Board of Appeals in accordance with the provisions of 30-A M.R.S.A. Section 4353, as the same may be amended from time to time.

(2) The Board shall consist of five members serving staggered terms of three years, appointed by the Board of Selectmen. The Board of Selectmen may also appoint three (3) alternate members to serve in the absence of regular members. Any alternate members appointed to the Zoning Board of Appeals shall serve one-year terms. During the absence of a regular member at any meeting, the Chairman of the Zoning Board of Appeals shall designate the alternate member who shall serve during the absence of the absent regular member.

(3) Once a member of the Zoning Board of Appeals has been sworn into office, he or she shall continue in that office for the remainder of his or her term without having to renew said oath of office annually.

Section 2. Procedures

(1) The Zoning Board of Appeals shall conduct its meetings in accordance with the provisions of 30-A M.R.S.A. § 4353, as the same may be amended from time to time.

(2) The presence of three voting members of the Zoning Board of Appeals shall constitute a quorum.

(3) An appeal or any application for action by the Zoning Board of Appeals shall be granted or a decision of the Code Enforcement Officer can be overruled only upon an affirmative vote of at least three members of the Zoning Board of Appeals on each finding of fact and the final disposition. *(Amended – 11/15/05)*

(4) Before rendering a decision on any appeal, the Zoning Board of Appeals shall conduct a public hearing, which shall be advertised ten days in advance in a local newspaper and posted in other places usually used for public notices, at the expense of the appellant.

(5) The Zoning Board of Appeals shall not continue hearings to a future date except for good cause.

(6) Written notice of the decision of the Board shall be sent to the applicant and the Code Enforcement Officer within seven days of its decision.

(7) An appeal may be taken from any decision of the Zoning Board of Appeals to the Superior Court within 45 days after the decision, as provided by 30-A M.R.S.A., § 4353, as the same may be amended from time to time.

(8) The Zoning Board of Appeals shall keep records of its proceedings and such records shall be public.

Section 3. Powers and Duties

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

(1) Administrative Appeals

To affirm, modify or set aside the action of the Code Enforcement Officer in issuing or denying building or use permits, sign permits, or Certificates of Occupancy when it is alleged that the action is based on an erroneous interpretation of this Ordinance. *(Amended 06/12/12)*

(2) Special Exception Permits

To approve, approve with conditions, or disapprove applications for special exception permits, according to the terms of Section 4 of this Article.

(3) Variances

To approve, approve with conditions, or disapprove variances from the strict enforcement of the provisions of this Ordinance only as they relate to the space and bulk standards of the district regulations or a performance standard contained in Article X, according to the terms of Section 5 of this Article.

(4) Changes in Nonconforming Uses; or Lots, Structures, and Uses in Shoreland Areas

To approve, approve with conditions, or disapprove requests to:

(a) change a nonconforming use such that it is less nonconforming or no more nonconforming than the lawfully existing situation, as authorized in Article VI, Section 3;
(b) divide a single lot of record that has two or more principal uses or structures, as authorized in Article VI, Section 2, (2), (b);
(c) relocate a nonconforming structure that is located within the shoreland setback area, as authorized in Article VI, Section 6, (2);
(d) reconstruct or replace a nonconforming structure located within the shoreland setback area, as authorized in Article VI, Section 6, (3)

(5) Standards of Home Occupation

To approve, approve with conditions, or disapprove requests to exceed the specific standards concerning home occupations concerning the number of employees, traffic

generated, and percentage of floor area set forth in Article X, Part II, Section 7 of the Zoning Ordinance, in accordance with the Standards of Article VII, Section 6 of this Zoning Ordinance.

(6) Off-Street Parking

To grant waivers of the off-street parking requirements in the Downtown, River Business, Transitional River Business, and Harbor Business Districts in accordance with Article X, Part II, Section 4(2)(c)(4)(iii) and Article X, Part II, Section 2(c)(5).

(7) Stop Work Orders, Revocation of Permits, and Other Similar Notices

To affirm, modify or set aside the action of the Code Enforcement Officer in issuing "stop work" orders, revocation of permits, notices of violations of this Ordinance, and other similar actions, when it is alleged that such action is based upon an error of the Code Enforcement Officer, in concluding that there has been a violation of the Zoning Ordinance by any person, noncompliance with building permits or other sufficient cause under the Zoning Ordinance.

(8) To decide an appeal of a site plan decision of the Planning Board concerning errors of law, according to the terms of Article XII, Section 2(8).

(9) To decide an appeal of a decision of the Code Enforcement Officer or the Planning Board, as an administrative appeal, from a decision pursuant to the Wireless Telecommunications Facility Siting Ordinance, when it is alleged that the decision is based on an erroneous interpretation of that Ordinance. The review of the Zoning Board of Appeals shall be based exclusively on the record before the Planning Board. An appeal of a decision of the Code Enforcement Officer shall be *de novo* (requiring an evidentiary hearing).

Section 4. Special Exception Permits

(1) Purpose and Applicability

The purpose of this Section is to enable the Zoning Board of Appeals to review certain proposed uses of the land that have the potential of creating unusual or undue impacts on surrounding properties, municipal facilities, or the natural environment. A building, structure, or parcel of land may be used for a special exception use if the use is specifically listed in the regulations governing the zoning district in which the use is proposed, and if a special exception permit is approved by the Zoning Board of Appeals.

(2) Application for Special Exception Permit

Application for a special exception permit shall be made to the Code Enforcement Officer on forms provided for the purposes accompanied by such fee as the Board of Selectmen shall set on an annual basis for such applications. The applicant shall:

(a) Clearly specify the location of the proposed use, including street address, Assessor's tax map and lot number, and a location map.

(b) Describe the exact nature of the proposed use.

(c) Submit such other materials as will enable the Zoning Board of Appeals to determine that the standards for approval of a special exception permit have been met. The burden of providing the information upon which the Board bases its findings and of proving conformity with the standards shall be the applicant's.

(3) Standards for a Special Exception Permit

A special exception may be granted by the Zoning Board of Appeals only in the event that the applicant has established to the satisfaction of the Board that:

(a) Neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from such a use in the zoning district. In reaching a determination on this standard, the Board shall consider:

(i) the size of the proposed use compared with surrounding uses;

(ii) the intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;

(iii) the potential generation of noise, dust, odor, vibration, glare, smoke, litter, and other nuisances;

(iv) unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which tend to aggravate adverse impacts upon surrounding properties; and

(v) the degree to which landscaping, fencing, and other design elements have been incorporated to mitigate impacts on surrounding properties.

(b) Municipal facilities serving the proposed use will not be overburdened. In reaching a determination on this standard the Board shall consider:

(i) the ability of traffic to safely move into and out of the site at the proposed location;

(ii) the presence of facilities to assure the safety of pedestrians passing by the site;

(iii) the capacity of the street network to accommodate the proposed use;

(iv) the capacity of public sewerage and water facilities, if they are to be used, to accommodate the proposed use; and

(v) the capacity of the public storm drainage system, if it is to be used, to accommodate the proposed use.

(c) The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.

(d) Undisclosed Future Uses:

In an application for a special exception requiring renovation or enlargement of an existing building or new construction, the applicant shall not be required to name specifically all the uses on the lot if they are not known at the time of renovation, enlargement or new construction. Instead, the applicant shall state on his application all the specific uses that are anticipated for the lot. For the area on the lot for which the use is not then known, the applicant shall designate those areas as "undisclosed future uses". The applicant must designate on the application at least one known special exception use. The Zoning Board of Appeals may grant special exceptions for the known specific uses and the project may proceed to site review, if required, and a building permit may be issued after site plan review, with the condition that any required special exceptions for the undisclosed future uses will be obtained when the uses are determined. The lot shall not be used for the undisclosed future uses which require a special exception until the required special exception is obtained.

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

(4) Additional Standards in Shoreland Areas

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

(a) will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

(b) will reasonably conserve shoreland vegetation;

(c) will reasonably conserve visual points of access to waters as viewed from public facilities;

(d) will reasonably conserve actual points of public access to waters;

(e) will reasonably conserve natural beauty;

(f) will reasonably avoid problems associated with flood plain development or use;

(g) Access from shore shall be developed on soils appropriate for such use and constructed so as to reasonably control erosion or sedimentation on both subject and surrounding properties.

(h) The use shall not unreasonably interfere with beach areas.

(i) The facility shall be located so as to minimize adverse effect on marine harvesting and commercial fishing.

(j) The facility shall be located so as not to interfere with commercial or recreational boating and moorings.

(5) Conditions of Approval

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

(a) street improvements;

(b) access restrictions;

(c) hours of use;

(d) buffering and screening;

(e) utility improvements;

(f) performance guarantees for off-site improvements required as conditions of approval.

(6) Reapplication

If the Zoning Board of Appeals shall deny a special exception permit, a second request of a similar nature shall not be brought before the Board within two years from the date of the first request, unless in the opinion of the majority of the Board, substantial new evidence can be brought forward, or unless the Board finds that an error of law or misunderstanding of facts has been made, or unless amendment to the zoning ordinance

has changed the status, circumstances, or conditions of the matter which was brought before the Board.

(7) Duration of Special Exception Permit

(a) Provided all conditions and standards of approval are met, a special exception permit shall be a permanent grant of permission and shall "run with the land."

(b) A use granted by special exception may be expanded in area or function only with the granting of a new special exception by the Zoning Board of Appeals.

(8) Scope of Permit

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

(9) Special Criteria for Low Impact Uses

A low impact use, as defined in this Ordinance, shall:

(a) Be located within a building that also includes one or more dwelling units;

(b) Occupy no more than 2,000 square feet of total floor area;

(c) Not cause an existing building, whether or not actually occupied by a dwelling unit, to be demolished for the purpose of creating a low impact use;

(d) Generate no more than a daily average of 20 vehicular trip ends on week days, based on a data contained in the latest edition of "Trip Generation," published by the Institute of Traffic Engineers, or, if the Code Enforcement Officer is unable to classify the proposed activity into one of the uses listed in this reference work, based on the written opinion of a professional traffic engineer;

(e) Have no more than one curb cut, which shall have a maximum width of 20 feet;

(f) Require, in addition to the required number of spaces for the dwelling unit(s), no more than five parking spaces, based on the requirements of Article X, Part II, Section 4 or, if the type of use cannot be classified as one of the uses listed in Section 4, based on the average rates per 1,000 square feet of building area for peak parking spaces occupied as identified in the latest edition of "Parking Generation," published by the Institute of Transportation Engineers;

(g) Locate any on-site parking to the rear or side of the building, with no such parking between the building and any street or in the lot's required front yard;

(h) Maintain a vegetated buffer between its on-site parking lot and adjacent properties in compliance with Article X, Part II, Section 3, Screening and Landscaping.

(i) Not generate hourly sound levels resulting from routine operations in excess of 60 dBA as measured at the property line;

(j) Not be open for business before 7 a.m. or after 8 p.m.;

(k) Comply with the sign regulations of Article XI of this Ordinance relating to residential districts;

(l) Neither make nor receive shipments in trucks more than 5 times a week;

(m) Store materials or display or sell goods only within a fully enclosed building;

(n) If new construction is involved, achieve a residential appearance, including a roof pitch of at least six in 12 (or 50 percent) and the use of exterior materials typical of residences in the area.

Section 5. Variances

(1) Purpose and Applicability

The purpose of a variance is to allow an applicant to exceed a space and bulk standard or a performance standard under the very limited circumstances set forth in this Section. A variance is authorized only for the space and bulk standards of the district regulations and for the performance standards of this Ordinance. A variance shall not be granted to allow a use or an expansion of a use not otherwise permitted in the district.

(2) Application for Variance

Application for a variance shall be made to the Code Enforcement Officer on forms provided for that purpose, accompanied by a fee as the Board of Selectmen shall set on an annual basis for such applications. The application shall clearly state the location of the property, the relief sought, and the reason(s) for requesting the variance.

(3) Standards

Prior to voting to grant a variance, the Zoning Board of Appeals shall review the application and find that the following standards have been met:

(a) That a literal interpretation of the requirement of this Ordinance will impose an undue hardship on the property owner. The term "undue hardship" shall mean specifically that:

(i) the land in question cannot yield a reasonable return unless a variance is granted;

(ii) the need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood;

(iii) the hardship is not the result of action taken by the applicant or a prior owner; and

(iv) the granting of the variance will not alter the essential character of the locality.

(b) Notwithstanding the requirement set forth in subparagraph (a)(i) above, that the applicant show that the land in question cannot yield a reasonable return unless a variance is granted, the Zoning Board of Appeals may grant a variance for setbacks for single family detached dwellings if it finds that the application meets the standards contained in subparagraphs (a)(ii) through (a)(iv) and in addition finds that:

(i) the granting of the variance will not substantially reduce or impair the use of abutting property;

(ii) the granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available;

(iii) the dwelling for which the variance is sought is the primary, year-round residence of the applicant;

(iv) the variance will not exceed 20 percent of the required setback; and

(v) the variance will not cause the area of the dwelling to exceed the maximum permissible building coverage.

(c) The Board may grant a variance without making a finding of undue hardship to a property owner for the purpose of making the property accessible to a person with a disability who is living on the property. Any such variance granted shall be restricted solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. For the purposes of this paragraph, a disability has the same meaning as a physical or mental handicap under M.R.S.A. Title 5, Section 4553, namely, any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental

conditions or illness, and includes the physical or mental condition of a person that constitutes a substantial disability as determined by a physician or, in the case of mental disability, by a psychiatrist or psychologist, as well as any other health or sensory impairment that requires special education, vocational rehabilitation, or related services.

(d) Any variance granted by the Zoning Board of Appeals shall be the minimum variance from the terms of the Ordinance that will relieve the hardship pleaded.

(4) Variance in Shoreland Areas

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

(a) will not result in unsafe or unhealthful conditions;

(b) will not result in unreasonable erosion or sedimentation;

(c) will not result in water pollution;

(d) will not result in unreasonably damaged spawning grounds, fish, aquatic life, bird and other wildlife habitat;

(e) will reasonably conserve shoreland vegetation;

(f) will reasonably conserve visual points of access to waters as viewed from public facilities;

(g) will reasonably conserve actual points of public access to waters;

(h) will reasonably conserve natural beauty; and

(i) will reasonably avoid problems associated with flood plain development and use.

(5) Conditions of Approval

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

(6) Recording of Variance

If the Zoning Board of Appeals grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting,

shall be prepared by the applicant in recordable form. This certificate must be recorded by the applicant at the applicant's expense in the Knox County Registry of Deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided herein.

(7) Reapplication

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

(8) Duration of Variance

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

Section 6. Standards for Request to Exceed Standards Set Forth in Article VII, Section 3(5) of the Zoning Ordinance

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

(a) The home occupation is located wholly within structures existing as of March 12, 1985; and,

(b) The standards of Article VII, Section 4(3) Special Exceptions, have been met.

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Article VIII District Regulations

Section 1. Natural Resource Protection District (RP)

A. Purpose

The purpose of this district is to protect fragile shorelines and other lands of unique geologic and natural features, especially those that include steep slopes, high elevations, unstable soils, wetlands, and floodplains, on which development would adversely affect water quality, disrupt productive habitat and biological ecosystems, or destroy scenic and natural values. *(Amended 11/10/09)*

B. Permitted Uses

The following uses are permitted in the Natural Resource Protection District:

<u>The following resource protection uses:</u>

(1) Fire prevention activities
(2) Harvesting of wild crops
(3) Hunting and fishing, in accordance with state and local regulations
(4) Non-intensive recreation not requiring structures
(5) Resource management activities, excluding timber harvesting and land management roads *(Amended 11/10/09)*

<u>The following utility uses:</u>

(6) Essential services, but only to serve a permitted use in the Natural Resource Protection District, except where it is demonstrated that no reasonable alternative exists

C. Uses Permitted as Special Exceptions

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

<u>The following resource production uses:</u>

(1) Agriculture
(2) Timber harvesting and land management roads *(Amended 11/10/09)*

<u>The following utility uses:</u>

(3) Public utilities
(4) Road construction

D. Prohibited Uses

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

E. Standards

(1) The standards of performance of Article X, Parts I and II, shall be observed.

Section 2. Rural 1 District (RU-1)

A. Purpose

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

B. Permitted Uses

The following uses are permitted in the Rural 1 District:

<u>The following resource protection uses:</u>

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

<u>The following resource production uses:</u>

(2) Agriculture
(3) Timber harvesting

<u>The following residential uses:</u>

(4) Single family dwellings
(5) Open space residential developments that meet the standards of Article IX
(6) Cottages

<u>The following municipal and institutional uses:</u>

(7) Family cemeteries, as defined by state law (13 M.R.S.A. §1142), covering no more than one-quarter of an acre of land, a description of which is recorded with the Town Clerk or with the Knox County Registry of Deeds

<u>The following commercial uses:</u>

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

The following water-dependent uses:

(10) Municipal boat ramps and municipal piers

The following utility uses:

(11) Essential services
(12) Road construction
(13) A wireless telecommunications facility, located in this district east of Camden Hills State Park, approved by the Code Enforcement Officer or the Planning Board in accordance with the Wireless Telecommunications Facility Siting Ordinance of the Town of Camden.

The following accessory activities:

(14) Accessory uses
(15) Home occupations
(16) Homestay

C. Uses Permitted as Special Exceptions

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

The following resource production uses:

(1) Extraction of mineral resources
(2) Clear cutting

The following municipal and institutional uses:

(3) Municipal uses
(4) Quasi-public facilities, provided no structures are involved

The following industrial uses:

(5) Agricultural products processing plants, except in shoreland areas

The following utility uses:

(6) 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:

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

b. For all other lots, the following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	60,000 sq. ft.
Nonresidential	60,000 sq. ft.
MINIMUM LOT AREA PER DWELLING UNIT	60,000 sq. ft.
MINIMUM STREET FRONTAGE	
Residential	150 feet
Nonresidential	150 feet
MINIMUM SETBACKS	
Residential and Nonresidential	
Front	25 feet
Side	15 feet
Back	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet
MAXIMUM BUILDING COVERAGE	10%
MAXIMUM GROUND COVERAGE, SHORELAND AREA	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
Residential	30 feet
Nonresidential	40 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet

(3) Screening
Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article 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) High Elevation Areas
Notwithstanding the lists of permitted uses and uses permitted as special exceptions in this district and the space and bulk standards of this district, properties located more than 500 feet above mean sea level shall comply with the standards of Article X, Part I, Section 2, of this Ordinance.

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

Section 3. Rural 2 District (RU-2)

A. Purpose

The Rural 2 District includes lands that are distant from the village area, and/or to which public water and sewer lines are not expected to be extended within the next ten years, and/or that have large tracts of land intact, suitable for woodland production, farming, and unbroken wildlife habitat. The purpose of this district is to allow residential development that is compatible with the character and traditional use of rural lands, including extensive areas of field and woodland, and that does not impose an undue burden on the provision of municipal services.

B. Permitted Uses

The following uses are permitted in the Rural 2 District:

<u>The following resource protection uses:</u>

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

<u>The following resource production uses:</u>

(2) Agriculture
(3) Timber harvesting

<u>The following residential uses:</u>

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

<u>The following municipal and institutional uses:</u>

(8) Family cemeteries, as defined by state law (13 M.R.S.A. §1142), covering no more than one-quarter of an acre of land, a description of which is recorded with the Town Clerk or with the Knox County Registry of Deeds

<u>The following commercial uses:</u>

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

The following utility uses:

(11) Essential services
(12) Road construction
(13) A wireless telecommunications facility, located in this district east of Camden Hills State Park, approved by the Code Enforcement Officer or the Planning Board in accordance with the Wireless Telecommunications Facility Siting Ordinance of the Town of Camden.

The following accessory activities:

(14) Accessory uses
(15) Home occupations
(16) Homestay

C. Uses Permitted as Special Exceptions

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

The following resource production uses:

(1) Extraction of mineral resources
(2) Clear cutting

The following municipal and institutional uses:

(3) Cemeteries
(4) Expansion of churches legally in existence as of July 31, 1991 subject to conformity with applicable space and bulk standards and provided the building coverage does not exceed 15,000 square feet. *(New 6/20/06)*
(5) Municipal uses
(6) Quasi-public facilities, provided no structures are involved

The following commercial uses:

(7) Clinics for animals

The following recreational uses:

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

The following industrial uses:

(9) Agricultural products processing plants, except in shoreland areas
(10) Tradesman's shop provided it is less than 2,000 square feet of floor area and exterior storage is screened according to Article X, Part II, Section 3, (3). *(Amended 06/17/09)*

The following utility uses:

(11) 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:
a. Lots that are part of residential subdivisions approved by the Planning Board after the date of adoption of this Ordinance shall comply with the terms of Article IX, Open Space Zoning; except that subdivisions for which completed applications have been submitted to the Planning Board prior to the date of adoption of this Ordinance shall be subject to the regulations in effect at the time of their submission
b. For all other lots, the following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	60,000 sq. ft.
Nonresidential	60,000 sq. ft.
MINIMUM LOT AREA PER DWELLING UNIT	60,000 sq. ft.
MINIMUM STREET FRONTAGE	
Residential	150 feet
Nonresidential	150 feet
MINIMUM SETBACKS	
Residential and Nonresidential	
Front	25 feet
Side	15 feet
Back	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet

MAXIMUM BUILDING COVERAGE	10%
MAXIMUM GROUND COVERAGE, SHORELAND AREA	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
Residential	30 feet
Nonresidential	40 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet

(3) Screening
Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article 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) High Elevation Areas
Notwithstanding the lists of permitted uses and uses permitted as special exceptions in this district and the space and bulk standards of this district, properties located more than 500 feet above mean sea level shall comply with the standards of Article X, Part I, Section 2, of this Ordinance.

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

Section 4. Rural Recreation District (RR)

A. Purpose

The Rural Recreation District includes lands that are both fragile and provide unique opportunity for public, outdoor recreation. The purpose of the district is to provide for a controlled mix of activity typical of, and necessary to the successful operation of, a multiple-season recreational area open to the public.

B. Permitted Uses

The following uses are permitted in the Rural Recreation District:

<u>The following resource protection uses:</u>

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

<u>The following resource production uses:</u>

(2) Timber harvesting

<u>The following municipal and institutional uses:</u>

(3) Municipal uses

<u>The following commercial uses:</u>

(4) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance

<u>The following utility uses:</u>

(5) Essential services

C. Uses Permitted as Special Exceptions

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

<u>The following municipal and institutional uses:</u>

(1) Community buildings
(2) Quasi-public facilities
(3) Nursery schools and day care centers

The following commercial uses:

(4) Campgrounds
(5) Commercial schools
(6) Fast food restaurants, excluding drive-through windows
(7) Sit-down restaurants
(8) Retail sales
(9) Theaters
(10) Parking Facilities

The following recreational uses:

(~~10~~11) Golf courses, ski area and lifts, toboggan chutes and other outdoor recreational facilities, including commercial outdoor recreation and the rental of nonmotorized sports equipment, but excluding games and activities common to amusement parks

The following utility uses:

~~(11) Commercial parking facilities~~
(12) Public utilities
(13) Road construction

D. Prohibited Uses

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

E. Standards

(1) The standards of performance of Article X, Parts I and II, shall be observed.
(2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	Not permitted
Nonresidential	60,000 sq. ft.
MINIMUM LOT AREA PER DWELLING UNIT	Not applicable
MINIMUM STREET FRONTAGE	
Nonresidential	150 feet
MINIMUM SETBACKS	
Nonresidential	
Front	25 feet
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
MAXIMUM BUILDING COVERAGE	10%
MAXIMUM GROUND COVERAGE, SHORELAND AREA	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT	40 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet

(3) Screening
Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in 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) High Elevation Areas
Notwithstanding the lists of permitted uses and uses permitted as special exceptions in this district and the space and bulk standards of this district, properties located more than 500 feet above mean sea level shall comply with the standards of Article X, Part I, Section 2, of this Ordinance.

(6) 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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Section 5. Coastal Residential District (CR)

A. Purpose

The Coastal Residential District includes lands along scenic coastal corridors north and south of the village area. The purpose of the district is to allow for a moderate level of residential and other development while assuring that these corridors retain their scenic landscapes and vistas and continue to serve as attractive gateways to Camden. The intention is that development be designed to fit into the existing character that includes rolling terrain and interspersed woods, fields, structures, and views of the water.

B. Permitted Uses

The following uses are permitted in the Coastal Residential District:

<u>The following resource protection uses:</u>

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

<u>The following resource production uses:</u>

(2) Agriculture
(3) Timber harvesting

<u>The following residential uses:</u>

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

<u>The following municipal and institutional uses:</u>

(8) Family cemeteries, as defined by state law (13 M.R.S.A. §1142), covering no more than one-quarter of an acre of land, a description of which is recorded with the Town Clerk or with the Knox County Registry of Deeds

<u>The following commercial uses:</u>

(12) Outdoor storage of boats, provided the screening standards of Article X, Part II, Section 3(5) are met and indoor storage of boats in buildings on lots of 5 or more acres in size provided that the storage facility was in existence on January 1, 2003 and is located at least 125 feet from any residential lot boundary or a public way. *(Amended – 11/11/03)*
(10) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance

The following marine uses:

(11) Municipal boat ramps and municipal piers

The following utility uses:

(12) Essential services
(13) Road construction

The following accessory activities:

(14) Accessory uses
(15) Home occupations
(16) Homestay

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

The following municipal and institutional uses:

(1) Cemeteries
(2) Municipal uses
(3) Quasi-public facilities, provided no structures are involved
(4) Nursery schools and day care centers

The following recreational uses:

(5) Golf courses

The following utility uses:

(6) Public utilities

The following commercial uses:

(7) 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.

The following industrial uses:

(8) Expansion of facilities used for the storage and maintenance of construction equipment and which were legally in existence as of March 11, 1985, within lots of

record existing as of March 11, 1985, subject to conformity with applicable space and bulk standards.

D. Prohibited Uses

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

E. Standards

(1) The standards of performance of Article X, Parts I and II, shall be observed.
(2) The following space and bulk standards shall apply:

a. Lots that are part of residential subdivisions approved by the Planning Board after the date of adoption of this Ordinance shall comply with the terms of Article IX, Open Space Zoning; except that subdivisions for which completed applications have been submitted to the Planning Board prior to the date of adoption of this Ordinance shall be subject to the regulations in effect at the time of their submission.
b. For all other lots, the following space and bulk standards shall apply:

	Sewer	**No Sewer**
MINIMUM LOT AREA		
Residential	30,000 sq.ft.	40,000 sq.ft.
Nonresidential	30,000 sq.ft.	40,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT	30,000 sq.ft.	40,000 sq.ft.
MINIMUM STREET FRONTAGE		
Residential	100 ft.	150 ft.
Nonresidential	100 ft.	150 ft.
MINIMUM SETBACKS		
Residential and Nonresidential		
Front	25 feet	25 feet
Side	15 feet	25 feet
Back	15 feet	25 feet
Normal high water mark	See Article X, Part 1, Section 1(9)(j)	See Article X, Part 1, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
MAXIMUM BUILDING COVERAGE	20%	20%
MAXIMUM GROUND COVERAGE, SHORELAND AREA	20%	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet

MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet	30 feet

(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.

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 n
ext 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:

<u>The following resource protection uses:</u>

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

<u>The following resource production uses:</u>

(2) Agriculture
(3) Timber harvesting

<u>The following residential uses:</u>

(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

<u>The following municipal and institutional uses:</u>

(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
~~(8) Commercial parking facilities, provided there is no demolition of buildings existing as of the date of adoption of this Ordinance~~

The following commercial uses:

(~~9~~8) Inns located on lots of 2 or more acres [1]
(~~10~~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) ~~Elderly congregate~~ 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

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	Sewer	No Sewer
~~Elderly~~ 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

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	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:

<u>The following resource protection uses:</u>

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

<u>The following resource production uses:</u>

(2) Timber harvesting

<u>The following residential uses:</u>

(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

<u>The following municipal and institutional uses:</u>

(8) Cemeteries
(9) Churches

<u>The following commercial uses:</u>

(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 [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 residential uses:

(1) Community living uses
(2) ~~Elderly congregate~~ 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.
~~Elderly~~ Congregate Housing	3,000 sq.ft.
MINIMUM STREET FRONTAGE	
Residential	75 feet
Nonresidential	75 feet

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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

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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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Section 8. Downtown Business District (B-1)

A. Purpose

The purpose of the Downtown Business District is to provide for a compact, pedestrian oriented, year-round business center with a focus on small scale specialty and comparison shopping and services compatible with the existing scale and character of Downtown Camden.

B. Permitted Uses

The following uses are permitted in the Downtown Business District:

The following resource protection uses:

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

The following residential uses:

(2) Single family dwellings, except no residential use and no use accessory to a residential use (including but not limited to parking and storage), except a home occupation shall occur on a floor at street level†*
(3) Two-family dwellings, except no residential use and no use accessory to a residential use (including but not limited to parking and storage), except a home occupation shall occur on a floor at street level†*
(4) Multifamily dwellings, except no residential use and no use accessory to a residential use (including but not limited to parking, storage or other facilities perated principally for the benefit of residents of the dwellings) shall occur on a floor at street level*
(5) ~~Elderly congregate~~ Congregate housing, except no ~~residential use~~elements of a "congregate housing" facility as defined shall occur on a floor at street level.*

†The restriction on residential use on a floor at street level shall not apply to structures in the Chestnut Street Historic District.
*Access to the use may be permitted from street level so long as the width of overall area of such access does not exceed the minimum state or federal access requirements.

The following municipal and institutional uses:

(6) Churches
(7) Community buildings
(8) Municipal uses
(9) Nursery schools and day care centers
(10) Private schools
(11) Public schools

(12) Quasi-public facilities

The following commercial uses:

(13) Boat and marine sales and service, provided there is no exterior storage or display
(14) Commercial schools
(15) Fast food restaurants containing no more than 20 seats, provided there shall be no drive-through windows
(16) Financial services, provided there shall be no drive-through windows
(17) Funeral homes
(18) Hair salons
(19) Hotels and motels
(20) Inns
(21) Personal services
(22) Publishing of newspapers, magazines, and books, excluding printing plants
(23) Retail sales and rental of goods and equipment, excluding gas stations, exterior display and storage of motor vehicles and similar outdoor sales establishments that tend to detract from or interfere with a high intensity of pedestrian activity
(24) Sit-down restaurants
(25) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
(26) Theaters and entertainment, excluding games and activities common to amusement parks
(27) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district and that meet the terms of Article VII, Section 4(9)
(28) ~~(27A)~~ Technical services
(29) Function Hall *(Added 06/17/09)*
~~(28)~~(30) Parking Facilities

The following professional services:

~~(29)~~(31) Professional offices
~~(30)~~(32) Health service facilities, excluding hospitals and other overnight facilities

The following water-dependent uses:

~~(31)~~(33) Municipal boat ramps and municipal piers

The following industrial uses:

~~(32)~~(34) Tradesmen's shops that include the retailing of items produced on the premises

The following utility uses:

~~(33) Commercial parking facilities~~

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~~(34)~~(35) Essential services
~~(35)~~(36) Public utilities
~~(36)~~(37)
~~(37)~~ Road construction

The following accessory activities:

(38) Accessory uses, except where otherwise prohibited at street level
(39) Home occupations
(40) Homestay

C. Uses Permitted as Special Exceptions

(1) Commercial Parking Garages

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

None

D. Prohibited Uses

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

E. Standards

(1) The standards of performance of Article X, Parts I and II, shall be observed.
(2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	None
Nonresidential	None
MINIMUM LOT AREA PER DWELLING UNIT	
Single Family	None
Two-Family Dwellings	None
Multifamily Dwellings	None
Congregate Housing	None
MINIMUM STREET FRONTAGE	None
MINIMUM SETBACKS	
Front, side, and back	None
Normal high water mark	None
Side and back yard for nonresidential use abutting a residential use	15 feet
Parking lot, parking space, or parking area in shoreland areas	25 feet from the normal high water mark of a water body or from the upland edge

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	of a wetland
MAXIMUM BUILDING COVERAGE	None
MAXIMUM GROUND COVERAGE	
General	None
Shoreland Area	None
MAXIMUM BUILDING OR STRUCTURE HEIGHT *(Revised 06/17/08)*	
General	50 feet
East side of Main and Bay View Streets	24 feet *(amended 6/17/08)*

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MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	None

(3) Shoreland Area
Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.

(4) Additional Space and Bulk Standards on the east side of Main and Bay View Streets

(1) A minimum of 20% of the lot area shall be kept free of buildings and structures as a single, straight view corridor of constant width from street to harbor line. In calculating lot area, the property landward of the officially established harbor line shall be included, minus any area within existing, recorded easements upon which building is prohibited. Any fence in the view corridor shall be of open construction. Temporary structures shall not interfere with this view corridor.
(2) No part of a building may project over the right of way at any point.
(New section added 06/17/08)

(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.

Section 9. Highway Business District (B-2)

A. Purpose

The purpose of the Highway Business District is to provide an area suitable for highway-oriented businesses at a moderate density.

B. Permitted Uses

The following uses are permitted in the Highway Business District:

The following resource protection uses:

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

The following residential uses: *(Amended 06/17/2008)*

(2) Single family dwellings
(3) Two-family dwellings
(4) Multifamily dwellings served by public sewer
(5) Community living uses
(6) ~~Elderly congregate~~ Congregate housing served by public sewer
(7) Nursing and convalescent homes
(8) Accessory apartments

The following municipal and institutional uses: *(Amended 06/17/2008)*

(9) Churches
(10) Community buildings
(11) Hospitals
(12) Municipal uses
(13) Nursery schools and day care centers
(14) Private schools
(15) Public schools
(16) Quasi-public facilities

The following commercial uses: *(Amended 06/17/08)*

(17) Auction barns
(18) Auto repair garages
(19) Boat and marine sales and service *(Amended 06/17/08)*
(20) Clinics for animals
(21) Commercial schools
(22) Fast food restaurants, provided there shall be no drive-through windows
(23) Financial services

(24) Gas stations on lots abutting Route 1 *(Amended 06/17/08)*
(25) Hair salons
(26) Hotels and motels
(27) Inns
(28) Leasing, rental, and storage facilities
(29) Motor home sales, provided there is no exterior storage or display *(Amended 06/17/08)*
(30) Motor vehicle sales, provided there is no exterior storage or display *(Amended 06/17/08)*
(31) Outdoor boat storage
(32) Personal services
(33) Publishing of newspapers, magazines, and books
(34) Retail sales
(35) Sit-down restaurants
(36) Theaters and entertainment, excluding games and activities common to amusement parks
(37) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district and that meet the terms of Article VII, Section 4(9)
(38) Technical services
(39) Function Hall *(Added 06/17/09)*
~~(39)~~(40) Parking Facilities

The following professional services:

~~(40)~~(41) Professional offices
~~(41)~~(42) Health service facilities

The following recreational uses:

~~(42)~~(43) Golf courses and other commercial outdoor recreational facilities, excluding games and activities common to amusement parks

The following industrial uses:

~~(43)~~(44) Manufacturing
~~(44)~~(45) Printing plants
~~(45)~~(46) Research and development
~~(46)~~(47) Tradesmen's shops

The following utility uses:

~~(47) Commercial parking facilities~~
(48) Essential services
(49) Public utilities
~~(49)~~(50)
~~(50)~~ Road construction

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The following accessory activities:

(51) Accessory uses
(52) Home occupations
(53) Homestay

C. Uses Permitted as Special Exceptions

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

None

D. Prohibited Uses

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

E. Standards

(1) The standards of performance of 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	20,000 sq.ft.	20,000 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.
Multifamily Dwellings	7,500 sq.ft.	Not permitted
~~Elderly~~ Congregate Housing	3,000 sq.ft.	Not permitted
MINIMUM STREET FRONTAGE		
Residential	75 feet	100 feet
Nonresidential	100 feet	100 feet

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	Sewer	No sewer
MINIMUM SETBACKS		
Residential		
Front	25 feet	25 feet
Side	15 feet	15 feet
Back	15 feet	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)	See Article X, Part I, Section 1(9)(j)
Nonresidential		
Front	20 feet	20 feet
Side	20 feet	20 feet
Back	20 feet	20 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential district	50 feet	50 feet
MAXIMUM BUILDING COVERAGE		
Residential	25%	20%
Nonresidential	30%	30%
MAXIMUM GROUND COVERAGE, SHORELAND AREA		
General	None	None
Shoreland Area	20%	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet

(3) Screening
Multifamily, congregate housing, and nonresidential uses abutting a residential district shall provide screening in accordance with the standards in Article 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.

Section 10. Transitional Business District (B-3)

A. Purpose

The Transitional Business District is meant to accommodate limited business uses in areas that are located along main traffic arteries but are residential in character. The explicit purpose of this district includes the prevention of strip highway development and the preservation of the character and appearance of established residential neighborhoods.

B. Permitted Uses

The following uses are permitted in the Transitional Business District, however, if the listed use is followed by a raised 1 and circumstances stated in Article VIII, Section 10, (C) apply, a special exception is required:

The following resource protection uses:

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

The following residential uses:

(2) Single family dwellings
(3) Two-family dwellings
(4) Multifamily dwellings served by public sewer
(5) Open space residential developments that meet the standards of Article IX
(6) Community living uses
(7) ~~Elderly congregate~~ Congregate housing served by public sewer
(8) Nursing and convalescent homes
(9) Rooming houses
(10) Accessory apartments

The following municipal and institutional uses:

(11) Churches
(12) Community buildings [1]
(13) Hospitals
(14) Municipal uses [1]
(15) Nursery schools and day care centers [1]
(16) Private schools [1]
(17) Public schools [1]
(18) Quasi-public facilities [1]

The following commercial uses:

(19) Auto repair garages [1]
(20) Commercial schools [1]
(21) Financial services, excluding drive-through windows [1]
(22) Funeral homes [1]
(23) Hair salons [1]
(24) Hotels and motels [1]
(25) Inns [1]
(26) Publishing of newspapers, magazines, and books, excluding printing plants [1]
(27) Sit-down restaurants [1]
(28) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
(29) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district and that meet the terms of Article VII, Section 4(9) [1]
(30) Any expansion of a retail business in existence as of June 9, 1992, within the boundaries of the lot in which such business is located as of June 9, 1992.
(31) Function Hall *(Added 06/17/09)*
~~(31)~~(32) Parking facilities, provided there is no demolition of buildings existing as of December 1, 1992.

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The following professional services:

~~(32)~~(33) Professional offices[1]
~~(33)~~(34) Technical Services, provided that retail sales are devoted to less than 10% of the floor area of the business[1] *(added 11/11/08)*
~~(34)~~(35) Health service facilities [1]

The following industrial uses:

~~(35)~~(36) Research and development [1]
~~(36)~~(37) Tradesmen's shops [1]

The following utility uses:

~~(37) Commercial parking facilities, provided there is no demolition of buildings existing as of December 1, 1992.~~
(38) Essential services
(39) Public utilities
~~(39)~~(40)
~~(40)~~ Road construction

The following accessory activities:

(41) Accessory uses
(42) Home occupations

(43) Homestay

<u>The following additional Commercial Uses are permitted only on Lots which were in existence and had no structures as of June 8, 1993 and were also in the B-3 District prior to June 8, 1993:</u>

(44) Retail Sales, if either of the following criteria, a or b, is met:
   a. The cumulative floor space devoted to retail sales on the lot is limited to 50% of the total floor space of the structures on the lot, or
   b. The maximum building coverage on the lot is 20% or less.

(45) Rental of goods and equipment, provided there is no outdoor storage or display of such goods or equipment. Floor space devoted to rentals shall not be considered as being devoted to retail sales on the lot as set forth in Article VIII, Section 10.B(41), above, in determining the cumulative floor space devoted to retail sales on the lot.

(46) Personal services

A [1] following a listed use in the B-3 District means the use must be located wholly within structures existing as of November 4, 1992 or wholly within structures constructed or to be constructed upon lots which were in existence and had no structures as of June 8, 1993 or permitted as a special exception under the circumstances set forth in C.

C. Uses Permitted as Special Exceptions

The permitted uses listed for the Transitional Business District (B-3) which are designated by a raised 1 following the listed use shall be allowed upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance in the circumstances set forth below:

(1) The expansion, substantial alteration, or replacement for such a permitted use of an existing principal structure, provided that the Zoning Board of Appeals finds, as part of its review, that such expansion, alteration, or replacement of the structure will retain the appearance of and reflect the existing residential character of the district.

(2) The construction, on a lot that had a structure as of June 8, 1993, including subsequent divisions of said lot, for a permitted use in this District. *(Amended – 11/15/05*

D. Prohibited Uses

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

E. Standards

(1) The general standards of performance of 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	20,000 sq.ft.	20,000 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	7,500 sq.ft.	Not permitted
~~Elderly~~ Congregate Housing	3,000 sq.ft.	Not permitted
MINIMUM STREET FRONTAGE		
Residential	75 ft.	100 ft.
Nonresidential	100 ft.	100 ft.
MINIMUM SETBACKS		
Residential		
Front	15 ft., 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,	25 feet

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	Sewer	No Sewer
Front	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
Side	10' provided the sum of both side yards is at least 25'; however, any structure that has an existing nonconforming side setback shall have a setback requirement of 15 feet on each side. *(Amended 6/15/10)*	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)

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	Sewer	No Sewer
Nonresidential		
Front	Same as residential	Same as residential
Side	15 feet	15 feet
Back	15 feet	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
MAXIMUM BUILDING COVERAGE		
Residential	25%	20%
Non-residential	30%	30%
MAXIMUM GROUND COVERAGE		
Residential	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.
Non-residential	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.

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	Sewer	No Sewer
Shoreland Area	20%	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet	30 feet

(3) Screening
Multifamily, congregate housing, and nonresidential uses abutting a residential use or 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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Section 11. Neighborhood Service District (B-4)

A. Purpose

The Neighborhood Service District is meant to accommodate limited business uses in areas that are residential in character. The explicit purpose of this district is to preserve the character and appearance of established residential neighborhoods and to help foster the development of new neighborhoods while permitting limited, small scale commercial activities oriented to the neighborhoods.

B. Permitted Uses

The following uses are permitted in the Neighborhood Service District:

<u>The following resource protection uses:</u>

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

<u>The following residential uses:</u>

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

<u>The following municipal and institutional uses:</u>

(7) Churches
(8) Community buildings
(9) Municipal uses
(10) Nursery schools and day care centers
(11) Private schools
(12) Public schools
(13) Quasi-public facilities

<u>The following commercial uses:</u>

(14) Financial services, excluding drive-through windows
(15) Funeral homes
(16) Hair salons
(17) Inns[1]
(18) Neighborhood stores
(19) Personal services

(20) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
(21) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district, that meet the terms of Article VII, Section 4(9)
(22) Function Hall *(Added 06/17/09)*
~~(22)~~(23) Parking Facilities

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The following water-dependent uses:

~~(23)~~(24) Municipal boat ramps and municipal piers

The following industrial uses:

~~(24)~~(25) Tradesmen's shops

The following utility uses:

~~(25) Commercial parking facilities~~
(26) Essential services
~~(26)~~(27)
~~(27)~~ Road construction

The following accessory activities:

(28) Accessory uses
(29) Home occupations
(30) 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 residential uses:

(1) Community living uses
(2) ~~Elderly c~~Congregate housing served by public sewer
(3) Nursing and convalescent homes
(4) Rooming houses

The following commercial uses:

(5) Auto repair garages

The following professional services:

(6) Professional offices
(7) Health service facilities

D. Prohibited Uses

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

E. Standards

(1) The general standards of performance of 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.	30,000 sq.ft.
Nonresidential	10,000 sq.ft.	20,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT		
Single Family	10,000 sq.ft.	30,000 sq.ft.
Accessory Apartments	No increase in lot area required	No increase in lot area required
Two-Family Dwellings	7,500 sq.ft.	10,000 sq.ft.
Multi-Family Dwellings	7,500 sq.ft.	Not permitted
~~Elderly~~ Congregate Housing	3,000 sq.ft.	Not permitted
MINIMUM STREET FRONTAGE		
Residential	75 ft.	100 ft.
Nonresidential	100 ft.	100 ft.
MINIMUM SETBACKS		

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	Sewer	No Sewer
Residential		
Front	15 ft., 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
Side	10 feet, provided the sum of both side yards is at least 25 feet.	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)

	Sewer	No Sewer
Nonresidential		
Front	Same as residential	Same as residential
Side	15 feet	15 feet
Back	15 feet	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
MAXIMUM BUILDING COVERAGE		
Residential	25%	20%
Nonresidential	30%	30%
MAXIMUM GROUND COVERAGE		
General	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking.	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking.
Shoreland Area	20%	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet	30 feet

(3) Screening
Multifamily, congregate housing, and nonresidential uses abutting a residential use or district shall provide screening in accordance with the standards in Article 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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Section 12. Harbor Business District (B-H)

A. Purpose

The purpose of the Harbor Business District is to preserve and maintain for the citizens of Camden the character of Camden Harbor, including its scenic value and views from the land, its accessibility to the public, and its economic value for functionally water-dependent uses.

B. Permitted Uses

The following uses are permitted in the Harbor Business District:

The following resource protection uses:

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

The following residential uses: *(Amended 06/17/08)*

(2) Single family dwellings, provided the standards of E, (6) are met.
(3) Two-family dwellings, provided the standards of E, (6) are met.
(4) Multifamily dwellings, provided the standards of E, (6) are met.

The following marine-related uses: *(Added 06/17/08)*

(5) Boat and marine sales, service, maintenance, repair and construction, including marine fabrication, sail making, canvas manufacturing, marine metal casting
(6) Indoor and outdoor boat storage
(7) Marine and oceanographic research laboratories
(8) Marine transportation offices including shipping offices
(9) Professional and business offices where maritime issues and products are the primary use, i.e. naval architects, surveyors, maritime publishers, maritime lawyers, etc;
(10) Maritime or historical museums
(11) Yachting or sailing clubs, and schools which give marine or nautical instruction

The following commercial uses: *(Amended 06/17/2008)*

(12) Financial services, except on a floor at street level*
(13) Inns, located at least 276 feet from the harbor line *(Amended 06/17/2008)*
(14) Leasing, rental, and storage facilities, excluding those that serve or benefit any dwelling unit or owner thereof, within the same structure or on a common lot or tract of land. *(Amended* – 11/13/07)
(15) Publishing of newspapers, magazines, and books (excluding printing plants), except on a floor at street level*

(16) Technical services, except on a floor at street level * *(added 11/11/08)*
(17) Sit-down restaurants
(18) Retail sales, excluding motor vehicle sales and repairs, motor home sales, motorcycle and motor bike rental and sales, and gas stations (except for marine-related purposes) and similar outdoor sales establishments that tend to detract from or interfere with a high intensity of pedestrian activity
(19) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
(20) Function Hall *(Added 06/17/09)*
~~(20)~~(21) Parking Facilities

The following professional services:

~~(21)~~(22) Professional offices, except on a floor at street level*

The following water-dependent uses:

~~(22)~~(23) Marinas and recreational fishing and boating facilities
~~(23)~~(24) Municipal boat ramps and municipal piers
~~(24)~~(25) Other functionally water dependent uses as defined in this Ordinance

The following industrial uses:

~~(25)~~(26) Tradesmen's shops that include the retailing of items produced on the premises

The following utility uses:

~~(26) Commercial parking facilities~~
(27) Seasonal parking within boat storage buildings *(Added 06/17/08)*
(28) Essential services
(29) Public utilities
~~(29)~~(30)
~~(30)~~ Road construction

The following accessory activities:

(31) Accessory uses, except no residential accessory use shall occur on a floor at street level unless the residential use is permitted at street level.* *(Amended – 06/17/08)*
(32) Home occupations, except no other residential accessory use shall occur on a floor at street level unless the residential use is permitted at street level.* *(Amended – 06/17/08)*
(33) Homestay, except no ~~residential accessory~~such use shall occur on a floor at street level unless the residential use is permitted at street level.* *(Amended – 06/17/08)*

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

C. Uses Permitted as Special Exceptions

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

The following municipal and institutional uses

(1) Municipal uses
(2) Quasi-public facilities

D. Prohibited Uses

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

E. Standards

(1) The standards of performance of Article X, Parts I and II, shall be observed.
(2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	20,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT	
Single Family	1,500 sq.ft.
Two-Family Dwellings	1,500 sq.ft.
Multifamily Dwellings	1,500 sq.ft.
MINIMUM STREET FRONTAGE	None
MINIMUM SETBACKS	
Front, side, and back	None
From the Harbor Line per Zoning Map B	15 ft. except 60 ft. for buildings or structures over 24 ft. high; no setback required for piers, ramps, launching ramps or other structures which must adjoin the harbor line in order to accomplish or support functionally water dependent uses.
From the mean high water line of the outer harbor	40 feet
Side and back yard for non-residential use abutting a residential district	10 feet, except 15 feet for buildings over 24 feet high on lots abutting in inner harbor
MAXIMUM BUILDING COVERAGE	
General	100 percent, subject to the requirements in Article VIII, 12(E)(3) for a view corridor with an area equal to 20% of the total lot area
Buildings over 24 feet high on lots abutting the inner harbor	10 percent or 12,000 sq.ft. of the lot, whichever is less

MINIMUM DISTANCE BETWEEN	200 feet between buildings over 24 feet high

BUILDINGS	on lots abutting the inner harbor; provided, however, that there shall be no minimum distance between a building over 24 ft. high and a building whose height is 24 ft. or less and no minimum distance between buildings with heights of 24 feet or less. For lots abutting the outer harbor, there is no minimum distance between buildings.
MAXIMUM GROUND COVERAGE	The total area of all buildings, structures, parking lots and other nonvegetated surfaces on a lot shall be permitted to cover 100% of a total lot area, subject to the requirements for a view corridor in Article VIII, Section 12(E)(3).
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
General (except as stated below)	24 feet
Residential uses at street level & inns *(Added 06/17/08)*	30 feet, plus 4 feet if all roof areas above 16 feet have a pitch of 5 in 12 or greater
Nonresidential buildings of one story, used exclusively for construction, storage or repair of boat or ships:	
On lots abutting the inner harbor	32 feet
On lots abutting the outer harbor	40 feet
TEMPORARY STRUCTURES FOR FUNCTIONALLY WATER DEPENDENT USES (OTHER THAN SUCH STRUCTURES ENCLOSING VESSELS UNDER CONSTRUCTION OR REPAIR) WHICH ARE LOCATED WITHIN THE 15 FT. SETBACK FROM THE HARBOR LINE	
Maximum height	14 feet
Maximum lot coverage of temporary structure	150 sq. ft.
TEMPORARY STRUCTURES FOR FUNCTIONALLY WATER DEPENDENT USES EMPLOYED ONLY TO ENCLOSE VESSELS UNDER CONSTRUCTION OR REPAIR	
Maximum height	7 ft. above the highest point of vessel, calculated without reference to mast and incidental protrusions

Maximum building coverage	Area resulting from width of the vessel

	multiplied by the length of the vessel; with the calculation of width and length including 4 ft. beyond scaffolding or devices necessary for working on such vessel, such devices constructed to conform to OSHA standards

(3) Additional Space and Bulk Standards

(a) A minimum of 20% of the lot area shall be kept free of buildings and structures as a single, straight view corridor of constant width from street to harbor line. In calculating lot area, the property landward of the officially established harbor line shall be included, minus any area within existing, recorded easements upon which building is prohibited. Any fence in the view corridor shall be of open construction. Temporary structures shall not interfere with this view corridor.

(b) No part of a building may project over the right of way at any point.

(4) Shoreland Area

Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, 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.

(6) Residential Use

The following standards are intended to enhance the economic vitality of the district by creating an incentive to improve marine facilities and an opportunity to fund such improvements through limited residential development. Residential use is prohibited except as follows:

a. Residential use is permitted, within 180 feet of the front property line on Atlantic Avenue, except on a floor at street level, provided all Zoning Ordinance requirements are met. The street level space shall be fully enclosed and conditioned with a minimum ceiling height of 7 feet, 6 inches. Access to the use may be permitted from street level so long as the width or overall area of such access way does not exceed minimum state and federal requirements.

b. Residential use is permitted at street level at a distance of more than 276 feet from the harbor line provided two square feet of marine building coverage is constructed for each square foot of residential building coverage. Access to the use may be permitted from street level so long as the width or overall area of such access way does not exceed minimum state and federal standards.

(i) Marine building coverage shall include new permanent buildings and buildings in which 50% of the market value of the structure has been removed and replaced.

(ii) Marine construction and residential construction may take place concurrently, however, a Certificate of Occupancy for a residential building shall be issued

only upon issuance of a Certificate of Occupancy for the marine building that permitted the associated residential construction.
(Section added 06/17/08) (Amended 06/12/12)

Section 13. River Business District (B-R)

A. Purpose

The purpose of the River Business District is to provide for the maintenance, development and redevelopment of lands and buildings in river-oriented locations that have historically been used for economic activity, or for which there is opportunity for such activity. It is intended that development and redevelopment proceed in a way that respects and maintains the environmental and scenic qualities of the river.

B. Permitted Uses

The following uses are permitted in the River Business District:

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, Two-family, & Multifamily dwellings, except that no residential use and no use accessory to a residential use (including but not limited to parking and storage except a home occupation, shall occur on a floor at street level without an equivalent area of allowed commercial, professional services, industrial, or utility uses as defined ~~below~~, in a building at street level on the same lot of record. Access to the use may be permitted from street level so long as such access way does not exceed minimum state or federal access requirements *(Amended* – 11/5/13)

(4) Mobile home parks existing as of November 4, 2008 *(added 11/11/08)*

The following municipal and institutional uses:

(5) Municipal uses *(added 6/20/06)*
(6) Quasi-public facilities

The following commercial uses:

(7) Auction barns
(8) Auto repair garages
(9) Boat and marine sales and service
(10) Clinics for animals
(11) Commercial schools

(12) Fast food restaurants, excluding drive-through windows
(13) Financial services
(14) Hair salons
(15) Hotels and motels
(16) Inns
(17) Leasing, rental, and storage facilities
(18) Outdoor boat storage
(19) Personal services
(20) Publishing of newspapers, magazines, and books
(21) Retail sales and rental of goods and equipment, provided there is no exterior storage or display of motor vehicles
(22) Sit-down restaurants
(23) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
(24) Theaters and entertainment, excluding games and activities common to amusement parks
(25) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district, that meet the terms of Article VII, Section 4(9)
(26) Technical services
(27) Function Hall *(Added 06/17/09)*
~~(27)~~(28) Parking Facilities

The following professional services:

~~(28)~~(29) Professional offices
~~(29)~~(30) Health service facilities

The following industrial uses:

~~(30)~~(31) Agricultural products processing plants
~~(31)~~(32) Manufacturing
~~(32)~~(33) Printing plants
~~(33)~~(34) Research and development
~~(34)~~(35) Storage and maintenance of construction equipment
~~(35)~~(36) Tradesmen's shops
~~(36)~~(37) Warehousing, excluding truck terminals
~~(37)~~(38) Wholesale trade

The following utility uses:

~~(38) Commercial parking facilities~~
(39) Essential services
(40) Public utilities
~~(40)~~(41)
~~(41)~~ Road construction

The following accessory activities:

(42) Accessory uses except where otherwise prohibited at street level
(43) Home occupations
(44) Homestay, except where residential use is otherwise prohibited at street level

C. Uses Permitted as Special Exceptions

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

None

D. Prohibited Uses

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

E. Standards
(1) The standards of performance of Article X, Parts I and II, shall be observed.
(2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	None
Nonresidential	None
MINIMUM LOT AREA PER DWELLING UNIT	
Single Family	5000 sq. ft.
Two-Family dwellings	5,000 sq. ft.
Multifamily dwellings	1,500 sq. ft.
~~Elderly c~~Congregate housing	Not permitted
MINIMUM STREET FRONTAGE	None
MINIMUM SETBACKS	
Front, side, and back	None
Normal high water mark	
Parking lots and paved surfaces	75 feet
Structures	30 feet
Side and back yard for nonresidential use abutting a residential district or a lot wholly or partially in residential use	25 feet
MAXIMUM BUILDING COVERAGE	70 percent
MAXIMUM GROUND COVERAGE	70 percent
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
Residential	40 feet
Nonresidential	40 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	15 feet

(Amended – 11/5/13)

(3) Screening
Multifamily and nonresidential uses abutting a residential use on a separate lot of record or district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance. *(Amended* – 11/5/13)

(4) Shoreland Area
Unless otherwise noted, 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.

Section 14. Transitional River Business District (B-TR)

A. Purpose

The purpose of the Transitional River Business District is to provide for a compact, pedestrian oriented, year round business center in keeping with the scale and character of downtown Camden, with a focus on small scale specialty and comparison shopping, while also encouraging development and redevelopment of lands and buildings in river-oriented locations that have historically been used for economic activity, or for which there is opportunity for such activity.

B. Permitted Uses

The following uses are permitted in the Transitional River Business District:

The following resource protection uses:

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

The following residential uses:

(2) Single family dwellings, except no residential uses and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.*
(3) Two-family dwellings, except no residential uses and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.*
(4) Multifamily dwellings, except no residential uses and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.*
(5) ~~Elderly c~~Congregate housing, except no ~~residential uses~~elements of a "congregate housing" facility as defined shall occur on a floor at street level

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

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The following municipal and institutional uses:

(6) Churches
(7) Community buildings
(8) Municipal uses
(9) Nursery schools and day care centers
(10) Private schools
(11) Public schools

(12) Quasi-public facilities

The following commercial uses:

(13) Boat and marine sales and services
(14) Commercial schools
(15) Food service, excluding drive-through windows
(16) Financial services, excluding drive-through windows
(17) Funeral homes
(18) Hair salons
(19) Hotels and motels
(20) Inns
(21) Auction sales
(22) Outdoor boat storage incidental to other uses, or in conjunction with boat maintenance or repair
(23) Personal services
(24) Publishing of newspapers, magazines, and books
(25) Retail sales and rental of goods and equipment, excluding gas stations, or exterior display or storage of motor vehicles
(26) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
(27) Theaters and entertainment, excluding outdoor games and activities common to amusement parks
(28) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district and that meet the terms of Article VII, Section 4(9)
~~(28)~~
(29) ~~(28A)~~ Technical services
(30) Function Hall *(Added 06/17/09)*
(31) Parking Facilities
~~(29)~~(32) Parking Garages

The following professional services:

~~(30)~~(33) Professional offices
~~(31)~~(34) Health service facilities

The following water-dependent uses:

~~(32)~~(35) Municipal boat ramps and municipal piers

The following industrial uses:

~~(33)~~(36) Manufacturing, excluding fish or animal processing and petroleum processing
~~(34)~~(37) Printing plants
~~(35)~~(38) Research and development

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~~(36)~~(39) Interior storage and maintenance of construction equipment
~~(37)~~(40) Tradesmen's shops
~~(38)~~(41) Warehousing within structures existing as of the date of adoption of this Ordinance, excluding truck terminals
~~(39)~~(42) Wholesale trade

The following utility uses:

~~(40) Commercial parking facilities~~
~~(41)~~(43) Essential services
~~(42)~~(44) Public utilities
(45)
~~(43)~~ Road construction
~~(44) Commercial Parking Garages~~

The following accessory activities:

(46) Accessory uses, except where otherwise prohibited at street level
(47) Home occupations
(48) Homestay, except at street level

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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.

None

D. Prohibited Uses

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

E. Standards

(1) The standards of performance of Article X, Parts I and II, shall be observed.
(2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	None
Nonresidential	None
MINIMUM LOT AREA PER DWELLING UNIT	
Single Family	1,500 sq.ft.
Two-Family Dwellings	1,500 sq.ft.
Multifamily Dwellings	1,500 sq.ft.

MINIMUM STREET FRONTAGE	None
MINIMUM SETBACKS	
Front, side, and back	None
Normal high water mark	None
Side and back yard for nonresidential use abutting a residential district	15 feet
Parking lot, parking space, or parking area in shoreland areas	25 feet from normal high water mark of a water body or from the upland edge of a wetland
MAXIMUM BUILDING COVERAGE	None
MAXIMUM GROUND COVERAGE	
General	None
Shoreland area	None
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
Residential	50 feet
Nonresidential	50 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	None

(3) Shoreland Area
Unless otherwise noted, properties within shoreland areasshall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.

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

Section 15. Industrial District (I)

A. Purpose

The purpose of the Industrial District is to encourage nonpolluting industrial developments at reasonable density.

B. Permitted Uses

The following uses are permitted in the Industrial District:

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 municipal uses:

(3) Municipal uses *(New 6/20/06)*

The following commercial uses:

(4) Auction barns
(5) Auto repair garages
(6) Boat and marine sales and service
(7) Clinics for animals
(8) Commercial schools
(9) Leasing, rental, and storage facilities
(10) Motor vehicle sales
(11) Outdoor boat storage
(12) Retail sales incidental to a permitted use, and retail and service establishments intended primarily to serve other permitted uses in the Industrial District
(13) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
(14) Technical services, provided that retail sales are devoted to less than 10% of the floor area of the business *(amended 11/11/08)*
(15) Parking Facilities

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The following professional services:

~~(15)~~(16) Professional offices
~~(16)~~(17) Health service facilities

The following industrial uses:

(17) Agricultural products processing plants
(18) Manufacturing
(19) Printing plants
(20) Research and development
(21) Storage and maintenance of construction equipment
(22) Tradesmen's shops
(23) Truck terminals
(24) Warehousing
(25) Wholesale trade

The following utility uses:

~~(26) Commercial parking facilities~~
~~(27)~~(26) Essential services
~~(28)~~(27) Public utilities
~~(29)~~(28) Road construction

The following accessory activities:

~~(30)~~(29) Accessory uses

C. Uses Permitted as Special Exceptions

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

~~(24)~~ (1) Gas Stations

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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	Not permitted
Nonresidential	40,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT	Not applicable
MINIMUM STREET FRONTAGE	
Nonresidential	200 feet
MINIMUM SETBACKS	
Nonresidential	
Front	50 feet
Side	20 feet
Back	20 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential district	50 feet
MAXIMUM BUILDING COVERAGE	50%
MAXIMUM GROUND COVERAGE, SHORELAND AREA	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT	40 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	None

(3) Screening
Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article 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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Section 16. Transitional Harbor Business District (B-TH)

A. Purpose

The purpose of the Transitional Harbor Business District is to provide a transition between the inner harbor retail district and the residential neighborhood of the outer harbor while preserving and maintaining the character, scenic value, accessibility and economic value for functionally water-dependent uses in Camden Harbor. *(New 6/20/06)*

B. Permitted Uses

The following uses are permitted in the Transitional Harbor Business District:

The following resource protection uses:

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

The following residential uses: *(Amended 06/17/08)*

(2) Single family dwellings within 55 feet of the front property line on Bay View Street, except no residential use and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.*
(3) Two-family dwellings within 55 feet of the front property line on Bay View Street, except no residential use and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.*
(4) Multifamily dwellings within 55 feet of the front property line on Bay View Street, except no residential use and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level
*Access to the use may be permitted from street level so long as the width or overall area of such access way does not exceed minimum state or federal access requirements.

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The following marine-related uses: *(New 06/17/08)*

(5) Boat and marine sales, service, maintenance, repair and construction including marine fabrication, sail making, canvas manufacturing, & marine metal casting
(6) Indoor and outdoor boat storage
(7) Marine and oceanographic research laboratories
(8) Marine transportation offices including shipping offices

(9) Professional and business offices where maritime issues and products are the primary use, i.e. naval architects, surveyors, maritime publishers, maritime lawyers, etc;
(10) Maritime or historical museums
(11) Yachting or sailing clubs, and schools which give maritime or nautical instruction

The following commercial uses:

(12) Financial services *(Amended 06/17/09)*
(13) Inns *(Amended 06/17/09)*
(14) Leasing, rental, and storage facilities
(15) Publishing *(Amended 06/17/09)*
(16) Technical services, except on a floor at street level.* *(added 11/11/08)*
(17) Sit-down restaurants
(18) Retail sales, excluding motor vehicle sales and repairs, motor home sales, motorcycle and motor bike rental and sales, and gas stations (except for marine-related purposes) and similar outdoor sales establishments that tend to detract from or interfere with a high intensity of pedestrian activity
(19) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
(20) Theaters and entertainment (excluding games and activities common to amusement parks), except on a floor at street level.*
(21) Function Hall *(Added 06/17/09)*
(22) Commercial schools within 55 feet of the front property line on Bay View Street *(Added 06/17/09)*
(23) Funeral homes within 55 feet of the front property line on Bay View Street *(Added 06/17/09)*
(24) Hair salons within 55 feet of the front property line on Bay View Street *(Added 06/17/09)*
(25) Personal services within 55 feet of the front property line on Bay View Street *(Added 06/17/09)*
~~(25)~~(26) Parking facilities

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

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The following professional services:

~~(26)~~(27) Professional offices *(Amended 06/17/09)*

The following water-dependent uses:

~~(27)~~(28) Marinas and recreational fishing and boating facilities
~~(28)~~(29) Municipal boat ramps and municipal piers
~~(29)~~(30) Other functionally water dependent uses as defined in this Ordinance

The following industrial uses:

~~(30)~~(31) Tradesmen's shops that include the retailing of items produced on the premises

The following utility uses:

~~(31) Commercial parking facilities~~
(32) Essential services
(33) Public utilities
~~(33)~~(34)
~~(34)~~ Road construction

The following accessory activities:

(35) Accessory uses, except where otherwise prohibited at street level
(36) Home occupations
(37) Homestay, except at street level

C. Uses Permitted as Special Exceptions

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

The following municipal and institutional uses:

(1) Municipal uses
(2) Quasi-public facilities
(3) Community buildings within 55 feet of the front property line on Bay View Street *(Added 06/17/09)*

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:

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MINIMUM LOT AREA	20,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT	
Single Family	1,500 sq.ft.
Two-Family Dwellings	1,500 sq.ft.
Multifamily Dwellings	1,500 sq.ft.
MINIMUM STREET FRONTAGE	None
MINIMUM SETBACKS	
Front, side, and back	None
From the Harbor Line per Zoning Map B	15 ft. except 60 ft. for buildings or structures over 24 ft. high; no setback required for piers, ramps, launching ramps or other structures which must adjoin the harbor line in order to accomplish or support functionally water dependent uses.
From the mean high water line of the outer harbor	40 feet
Side and back yard for non-residential use abutting a residential district	10 feet, except 15 feet for buildings over 24 feet high on lots abutting in inner harbor

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MAXIMUM BUILDING COVERAGE	
General	100 percent, subject to the requirement in Article VIII, 12(E)(3) for a view corridor with an area equal to 20% of the total lot area
Buildings over 24 feet high on lots abutting the inner harbor	10 percent or 12,000 sq.ft. of the lot, whichever is less
MINIMUM DISTANCE BETWEEN BUILDINGS	200 feet between buildings over 24 feet high on lots abutting the inner harbor; provided, however, that there shall be no minimum distance between a building over 24 ft. high and a building whose height is 24 ft. or less and no minimum distance between buildings with heights of 24 ft. or less. For lots abutting the outer harbor, there is no minimum distance between buildings.
MAXIMUM GROUND COVERAGE	The total area of all buildings, structures, parking lots and other nonvegetated surfaces on a lot shall be permitted to cover 100% of a total lot area, subject to the requirements for a view corridor in Article VIII, Section 12(E)(3).
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
General (except as stated below)	24 feet
Nonresidential buildings of one story, used exclusively for construction, storage or repair of boat or ships	
On lots abutting the inner harbor	32 feet
On lots abutting the outer harbor	40 feet
TEMPORARY STRUCTURES FOR FUNCTIONALLY WATER DEPENDENT USES (OTHER THAN SUCH STRUCTURES ENCLOSING VESSELS UNDER CONSTRUCTION OR REPAIR) WHICH ARE LOCATED WITHIN THE 15 FT. SETBACK FROM THE HARBOR LINE	
Maximum height	14 feet
Maximum lot coverage of temporary structures	150 sq.ft.

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TEMPORARY STRUCTURES FOR FUNCTIONALLY WATER DEPENDENT USES EMPLOYED ONLY TO ENCLOSE VESSELS UNDER CONSTRUCTION OR REPAIR	
Maximum height	7 ft. above the highest point of vessel, calculated without reference to mast and incidental protrusions
Maximum building coverage	Area resulting from width of the vessel multiplied by the length of the vessel; with the calculation of width and length including 4 ft. beyond scaffolding or devices necessary for working on such vessel, such devices constructed to conform to OSHA standards

(3) Additional Space and Bulk Standards

(a) A minimum of 20% of the lot area shall be kept free of buildings and structures as a single, straight view corridor of constant width from street to harbor line. In calculating lot area, the property landward of the officially established harbor line shall be included, minus any area within existing, recorded easements upon which building is prohibited. Any fence in the view corridor shall be of open construction. Temporary structures shall not interfere with this view corridor.

(b) No part of a building may project over the right of way at any point.

(4) Shoreland Area

Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, 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.

(New Section 16 – 11/15/05)

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Section 17. Business Opportunity Zone (BOZ)

A. Purpose

To create a new zoning category intended to encourage balanced development, energy-efficient, aesthetically pleasing and cost-effective commercial projects, while acknowledging green space protection, including on small and/or irregularly shaped land parcels where site limitations would otherwise make adhering to current District Regulations impractical.

The Business Opportunity Zone Overlay Design Standards found in Article XII Section 6 (12) may be used in lieu of the current zoning in Zoning Districts B2, B3, B4, BR, and BTR. In order to qualify as a Business Opportunity Zone in any of these districts, the site must be a minimum of one acre in size and can be comprised of either an individual parcel or an assemblage of two or more adjacent parcels totaling at least one acre.

When the Business Opportunity Zone is used in the design and development of a parcel, the Permitted Uses, District Regulations and Standards of the Business Opportunity Zone (BOZ) shall supersede and/or replace the Permitted Uses, District Regulations and Standards of the overlaid parcel's existing Zoning District.

When the Business Opportunity Zone is overlaid on areas within the B-3 District as of the date of adoption of these provisions, any new or modified buildings must hold to the original Purpose of the this District to preserve the character and appearance of the established neighborhood as described in Article VIII Section10, A of the Zoning Ordinance.

B. Permitted Uses

The following uses are permitted in the Business Opportunity Zone:

The following residential uses:

(1) Multi -family dwellings as long as there is~~are~~ no ~~residences~~ residential use and no use accessory to a residential use (including but not limited to parking and storage) on street level or below and the total square footage of all residential uses does not exceed 33% of the total square footage in any individual building.

(2) Sleeping and bathroom facilities and a shared kitchen for staff use during active shifts as an accessory to the approved use.

The following commercial uses:

(3) Boat & marine sales and service provided there is no outdoor storage or display of products

(4) Sit down restaurants

(5) Financial services
(6) Hair salons
(7) Personal services
(8) Retail sales
(9) Technical services
(10) Local passenger transportation services
(11) Neighborhood Stores

The following professional uses:
(12) Professional offices
(13) Health service facilities

The following industrial uses:
(14) Manufacturing
(15) Wholesale trade
(16) Research and development establishments

The following utility uses:
(17) Essential services
(18) Public utilities
(19) Road construction

The following accessory activities:
(20) Accessory uses, except where otherwise prohibited at street level
(21) Nursery schools and day-care centers

The following municipal and institutional uses:
(22) Commercial schools

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:
(1) Office/Warehouse/Distribution
(2) Gas station as an accessory use to a neighborhood store as long as there are no other gas stations within ½ mile as measured along a road.

D. Prohibited Uses

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

E. Standards

(1) The standards of performance of Article X, Parts I and II, shall be observed.

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

MINIMUM LOT AREA	One Acre
MINIMUM STREET FRONTAGE	Per the underlying district standard
MINIMUM SETBACKS	
Front, side, and back	10 feet
MAXIMUM BUILDING COVERAGE	* See Article XII Section 6 12 a-e for BOZ Design Standards
MAXIMUM GROUND COVERAGE	* See Article XII Section 6 12 a-e for BOZ Design Standards
MAXIMUM BUILDING OR STRUCTURE HEIGHT	* See Article XII Section 6 12 a-e for BOZ Design Standards
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	10 feet

(3) Architectural Review and Approval

Proposals for a Business Opportunity Zone Overlay shall undergo an Architectural Review after obtaining Site Plan approval, both of which shall be the purview of the Planning Board.

a) Proposals will be evaluated based on scale, proportion and blending with topography.
b) Any Architectural Review required as part of Site Plan Review shall remain in place.
c) All Business Opportunity Zone Overlay projects shall be reviewed under the design standards of Article XII 12(a)-(e).
d) Whenever the Business Opportunity Zone is overlaid on lands within the BTR District, review under the design standards of Article XII 11(a)-(g) shall apply.

F. Screening

Multifamily and nonresidential uses abutting a residential use or district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance.

G. Shoreland Area

Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.

H. Historic Areas

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

I. Application and Implementation

A developer or property owner (the Applicant) shall notify the Town Planner and the Planning Board that they intend to use Business Opportunity Zone Overlay Design Standards in the design of their site plan and the development of the property (ies). The Applicant shall then process their Site Plan through Article XII of the Zoning Ordinance. The Applicant can seek final approval by satisfying the additional submission requirements and Approval Criteria specific to Business Opportunity Zone applications.

Article IX Open Space Zoning

Section 1. Purpose

The purpose of this Article is, within rural areas of Camden, to maintain the rural, natural, and scenic qualities of the Town; and, within developing areas, to provide for flexibility in the design of open space residential development. *(Amended – 6/20/2007)*

Section 2. Applicability

(1) Rural-1, Rural-2, and Coastal Residential Districts

The provisions of this Article shall be mandatory for residential subdivisions with three or more lots that are located in the Rural-1, Rural-2, or Coastal Residential Districts. These provisions are not mandatory for lots within subdivisions that are located in other districts. *(Amended – 6/20/2007)*

(2) Village and Village Extension Districts

In Village and Village Extension districts, the provisions of this Article shall be optional. *(Amended – 6/20/2007)*

(3) Lots Located In More than One Zoning District

When a lot is located in two or more zoning districts and a majority of the lot falls within one of the mandatory open space zoning districts, then the lot shall meet the provisions of this Article. *(Amended – 6/20/2007)*

Section 3. General Standards

Open space residential developments proposed under the terms of this Article shall meet all requirements of this Article, unless otherwise noted. The uses of the land shall not differ from the uses permitted in the district in which the development is located. "Buildable" land is all land except land within street rights-of-way, wetlands as defined in this Ordinance, 100-year flood plains, water bodies, or sustained slopes in excess of 20%. Modifications of space and bulk provisions shall not be construed as granting variances to relieve hardship. *(Amended – 6/20/2007)*

(1) Within the Rural-1 District:

(a) the total number of dwelling units shall not exceed one unit per 7 acres.

(b) each lot within the subdivision shall contain a minimum of 1 acre of buildable land. *(Amended – 6/20/2007)*

(c) lots and/or dwelling units shall be laid out so that, on average, they encompass (or, in the case of dwelling units not on individual lots, occupy) no more than two acres of buildable land per lot or dwelling unit, and so that at least 60% of the parcel remains as open space outside of the lots and not otherwise assigned to individual dwelling units. *(Amended – 6/20/2007)*

(d) minimum road frontage shall be 75 feet. However, no individual lot or dwelling unit shall have its required frontage on a public road existing at the time of application for development or gain its access from such a road.

(e) no building or structure shall be located within 25 feet of any property line.

(f) neither shore frontage nor setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in the district.

(g) dwelling units may be clustered within a single building or series of attached units. In these cases the provisions of this paragraph (1) shall apply, with the following exceptions and additions:

(i) the parcel of land proposed for development shall have a minimum of 150 feet of frontage;

(ii) the minimum distance between principal buildings on the same lot shall be equivalent to the height of the taller building;

(iii) no building shall contain more than six dwelling units and no more than an average of four units per building for the development as a whole; and attached dwellings shall include no more than six dwelling units in any single series, and no more than an average of four per series for the development as a whole.

(2) Within the Rural-2 District:

(a) the total number of dwelling units shall not exceed one unit per 4 acres.

(b) each lot within the subdivision shall contain a minimum of 30,000 square feet of buildable land. *(Amended – 6/20/2007)*

(c) lots and/or dwelling units shall be laid out so that, on average, they encompass (or, in the case of dwelling units not on individual lots, occupy) no more than one-and-a-half acres of buildable land per lot or dwelling unit, and so that at least 50% of the parcel remains as open space

outside of the lots and not otherwise assigned to individual dwelling units. *(Amended – 6/20/2007)*

(d) minimum road frontage shall be 50 feet. However, no individual lot or dwelling unit shall have its required frontage on a public road existing at the time of application for development or gain its access from such a road.

(e) no building or structure shall be located within 25 feet of any property line.

(f) neither shore frontage nor setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in the district.

(g) dwelling units may be clustered within a single building or series of attached units. In these cases the provisions of this paragraph (2) shall apply, with the following exceptions and additions:

(i) the parcel of land proposed for development shall have a minimum of 150 feet of frontage;

(ii) the minimum distance between principal buildings on the same lot shall be equivalent to the height of the taller building;

(iii) no building shall contain more than six dwelling units and no more than an average of four units per building for the development as a whole; and attached dwellings shall include no more than six dwelling units in any single series, and no more than an average of four per series for the development as a whole.

(3) Within the Coastal Residential District:

(a) the total number of dwelling units shall not exceed one unit per 30,000 square feet if the property is served by public sewerage, or one unit per 60,000 square feet if the property is served by one on-site waste water disposal system.

(b) each lot within the subdivision shall contain a minimum of 10,000 square feet of land if served by public sewerage, or a minimum of 30,000 square feet of buildable land if the property is served by on-site waste water disposal systems. *(Amended – 6/20/2007)*

(c) lots and/or dwelling units shall be laid out so that, on average, they encompass (or, in the case of dwelling units not on individual lots, occupy) no more than one-and-a-half acres of buildable land per lot or dwelling unit, and so that at least 33% of the parcel remains as open space

outside of the lots and not otherwise assigned to individual dwelling units. *(Amended – 6/20/2007)*

(d) minimum road frontage shall be 50 feet. However, no individual lot or dwelling unit shall have its required frontage on a public road existing at the time of application for development or gain its access from such a road.

(e) no building or structure shall be located within 25 feet of any property line.

(f) neither shore frontage nor setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in the district.

(g) dwelling units may be clustered in a single building or a series of single family attached units, in which case the provisions of this paragraph (3) shall apply, with the following exceptions and additions:

(i) the parcel of land proposed for development shall have a minimum of 150 feet of frontage;

(ii) the minimum distance between principal structures on the same lot shall be equivalent to the height of the taller structure;

(iii) attached dwellings shall include no more than six dwelling units in any single series, and no more than an average of four per series for the development as a whole.

(4) Within the Village and Village Extension Districts, dwelling units may be clustered on individual lots, within a single building, or within a series of attached buildings. *(Amended – 6/20/2007)*

(a) If the open space residential development is of individual lots for single family detached or two-family dwellings and lots and/or dwelling units are laid out so that, on average, at least 20% of the parcel remains as open space outside of the lots and not otherwise assigned to individual dwelling units and at least 20% of the open space is buildable land: *(Amended – 6/20/2007)*

(i) the total number of dwelling units shall not exceed one unit per 10,000 square feet, plus a 20% incentive bonus, however, no individual lot shall be less than 5,000 square feet (example: 200,000 square foot parcel = 20 lots plus 20% bonus = 24 total), provided that any lot not served by a public sewer or other approved community sewage collection and treatment system shall contain at least 20,000 square feet; *(Amended – 6/20/2007)*

(ii) each lot shall have at least 50 feet of frontage on an approved way, either existing or proposed;

(iii) front yard setbacks shall not be reduced by more than 50%;

(iv) side yard setbacks shall together contain a total of at least 20 feet;

(v) neither shore frontage nor setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in the district.

(b) If the open space residential development is of individual lots for single family detached or two-family dwellings and lots and/or dwelling units are to be laid out so that, on average, at least 10% of the parcel remains as open space outside of the lots and not otherwise assigned to individual dwelling units and at least 20% of the open space is buildable land: *(Amended – 6/20/2007)*

(i) the total number of dwelling units shall not exceed one unit per 10,000 square feet, plus a 10% incentive bonus, however, no individual lot shall be less than 5,000 square feet (example – 200,000 square foot parcel = 20 lots plus 10% bonus = 22 lots total), provided that any lot not served by a public sewer or other approved community sewage collection and disposal system shall contain at least 20,000 square feet; *(Amended – 6/20/2007)*

(ii) each lot shall have at least 63 feet of frontage on an approved way, either existing or proposed; *(Amended – 6/20/2007)*

(iii) front yard setbacks shall not be reduced by more than 25%; *(Amended – 6/20/2007)*

(iv) side yard setbacks shall together contain a total of at least 23 feet; *(Amended – 6/20/2007)*

(v) neither shore frontage nor setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in the district. *(Amended – 6/20/2007)*

(c) If the development does not include creation of individual lots for single family detached or two-family dwellings:

(i) the parcel of land proposed for development shall contain a minimum gross lot area of 100,000 square feet provided, however, that the minimum lot area per dwelling unit described in paragraph (4)(a)(i) above shall be met, and the parcel shall

have a minimum of 150 feet of frontage on an approved way, existing or proposed;

(ii) no building or structure shall be located within 25 feet of any property line;

(iii) the minimum distance between principal buildings on the same lot shall be equivalent to the height of the taller structure;

(iv) no structure shall contain more than six dwelling units and no more than an average of four dwelling units per structure for the development as a whole; and attached dwellings shall include no more than six dwelling units in any single series, and no more than an average of four per series for the development as a whole;

(v) neither shore frontage not setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in the district.

Section 4. Design Standards

In addition to other standards of this zoning ordinance and of the Town's subdivision ordinance, individual building lots shall be laid out to achieve the following objectives (which are listed in order of priority as it is recognized that some may conflict with others on a given site):

(1) Within the Rural-1 and Rural-2 districts:

(a) where on-site wastewater disposal is to be used, on suitable soils for subsurface wastewater disposal;

(b) below elevation 500 feet;

(c) in a manner that maximizes as part of the required open space the amount of undisturbed, contiguous wildlife habitat; *(Amended – 6/20/2007)*

(d) in a manner that maximizes as part of the required open space the amount of contiguous, usable area for agriculture or woodlot production;

(e) such that all buildings are located along the edges of open fields or within adjacent woodlands; *(Amended – 6/20/2007)*

(f) in locations least likely to block or interrupt scenic vistas, as seen from the public roadway.

(2) Within the Coastal Residential district:

(a) where on-site wastewater disposal is to be used, on suitable soils for subsurface wastewater disposal;

(b) in a manner that preserves existing vegetation and other landscape features adjacent to public roadways;

(c) in a manner that maximizes the amount of contiguous open space; *(Amended – 6/20/2007)*

(d) in a manner that preserves existing scenic vistas as seen from public roadways;

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

(3) Within the Village and Village Extension Districts: *(Amended – 6/20/2007)*

(a) where on-site wastewater disposal is to be used, on suitable soils for subsurface wastewater disposal;

(b) in a manner that minimizes the length of roadways, public utility lines, and other infrastructure within the proposed development;

(c) in a manner that maximizes the amount of contiguous open space; *(Amended – 6/20/2007)*

(d) to provide planting, landscaping, fencing, and screening to buffer the development from, and integrate it with, the character of any surrounding development;

(e) in locations where buildings will not interfere with the solar access of other properties.

Section 5. Common Open Spaces

(1) The common open space created by the development shall be shown on the subdivision plan with the following notation on the face of the plan: "Common open space shall not be further divided or used for future building lots."

(2) The common open space shall be accessible to the residents of the development, either by locating lots in a manner that they abut the common open space, or via a roadway, right-of-way, easements, or a combination of these mechanisms.

(3) The common open space shall be used only for agriculture, woodlands, preserving the natural features of the site, or low-intensity recreation. Such uses shall not

include rights-of-way (except easements for underground utilities), driveways, or parking areas, or tennis courts, swimming pools, or similar recreation development. Buildings related to allowed activities may be located in the common open space, provided that the footprints of such buildings shall not count toward the percentage of open space required by this Article.

(4) The formation and incorporation by the developer of a homeowner's association shall be accomplished prior to final subdivision approval. Covenants for mandatory membership in the association shall be approved by the Planning Board and included in the deed for each lot or unit or incorporated by reference from a master document recorded in the Knox County Registry of Deeds. The association's documents shall specify that:

(a) The association shall have the responsibility of maintaining the common open spaces and other private facilities dedicated to the use in common by the development's residents.

(b) The association shall levy annual charges against all property owners to defray the expenses, if any, connected with maintenance of the common open spaces and facilities.

(c) The developer shall maintain control of common open spaces and facilities and be responsible for their maintenance until at least 51% of the development's lots or units have been completed and sold, with evidence of such completion and sales submitted to and approved by the Planning Board.

Article X Performance Standards

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 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. *(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. 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. 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. 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. 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. 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.

(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) 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.)

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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).

(i) 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.

(j) 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.

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

(8A) 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.

(8B) 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.

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 within a strip of land 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 footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed 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 trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

   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 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) Cleared 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) 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.

(16) 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)*

(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)*

(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.

(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)*

(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)*

(21) 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:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap, a previous plot;
(iii) 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;
(iv) 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 ~~commercial~~ 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 ~~commercial~~ parking facility or a parking area serving a nonresidential use abutting a residential district or lot in residential use

   Where a ~~commercial~~ 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~~, elderly congregate housing and housing designed for and restricted to occupancy by elderly persons who receive assistance from governmental programs in the payment of rent~~:

2 spaces per unit

ii. Accessory Apartments:

1 space per unit

iii. ~~Elderly c~~Congregate housing~~ and housing designed for and restricted to occupancy by elderly persons~~:

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 ~~commercial~~ 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 ~~commercial~~ 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, and 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.

Article XI Signs

Section 1. Purpose

The Town, after due and careful consideration, finds and declares that it desires to preserve the natural and scenic beauty of the Town, its rural area and water ways, where a proliferation of advertising and other signs would despoil the beauty of the Town and create hazards to vehicular and pedestrian traffic.

It is the intent and purpose of this Article to preserve the beauty of the Town and the safety and well-being of the inhabitants while at the same time allowing reasonable advertising and informational signs by regulating the type, number, location, and size of such signs.

Section 2. Definitions

BANNER: Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National, state, or municipal flags, or the official flag of any institution or business, shall not be considered banners. (*Amended 11/10/09)*

FLAG: Any fabric or bunting containing distinctive colors, patterns, or symbols. (*Amended 11/10/09)*

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

SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public, including a sign located inside a window or door so that it is visible from the exterior of the building. Brand names and logos that are integral parts of a good to be sold are not considered signs under this Ordinance. (*Amended 11/10/09)*

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

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

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

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

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

> **SIGN, EXTERNALLY ILLUMINATED:** A sign that is lit entirely from an external source, such as flood or spotlights, and is so arranged that no direct rays of light are projected from the external source into adjoining properties or public streets.
>
> **SIGN, INTERNALLY ILLUMINATED:** A sign whose lighting is integral to the sign and/or shines through a plastic or other translucent covering.

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

SIGN, OFF-PREMISE: A sign that is not located on the same lot of record that the business, facility, or point of interest is located.

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

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

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

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

SIGN, TEMPORARY: A sign of a temporary nature, erected less than 90 days within any 12-month period, exemplified by the following: political signs, charitable signs, fundraising signs, construction signs, carnival signs, garage sales, lawn sales, rummage sales, and all signs advertising sales of real estate and personal property, and for rent signs. Any exterior sign displayed by an ongoing business on the business' premises in which the written or printed message changes while the structure of the sign remains unchanged shall not be considered as a

temporary sign. For example, chalkboards and signs with removable lettering shall not be considered temporary signs. (*Amended 11/10/09)*

Section 3. Permit Required

No person, firm or corporation shall hereafter erect, hang, place, or alter a sign or sign structure of any kind without a permit having been issued by the Code Enforcement Officer, upon payment of a permit fee as determined annually by the Selectmen. Any permit obtained subsequent to the erecting, hanging, placing, or altering a sign or structure shall be subject to a permit fee five times the scheduled fee. Every application for a sign permit shall be accompanied by plans to scale, showing the area of the sign, the position of the building, structure or lot to which or upon which the sign is to be attached or erected, the method of illumination if any, and such other information as the Code Enforcement Officer shall require to show full compliance with this and all other laws and Ordinances of the Town. If it appears that the proposed sign is in compliance with all such requirements and laws, the permit shall be issued. (*Amended 11/10/09)*

Section 4. Excepted Signs

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

(1) Any sign which was lawfully in existence prior to the date of the adoption of this Ordinance, provided, however, any change in lettering, size, construction, wording, location, or lighting of said sign shall constitute a new sign and such change shall be governed by the terms of this Ordinance;

(2) House addresses, family name signs, and no trespassing signs;

(3) Traffic control signs and safety signs including handicapped access signs

(4) Signs painted on the window of a business which do not exceed 10 percent of the area of the glass.

(5) Informational and directional signs concerning hospitals, and emergency medical care facilities.

(6) Vending and dispensing machines; however, vending and dispensing machines located outside a building shall not be internally illuminated. *(New 6/20/06)*

(7) A single blackboard sign on which the message may change, located near an entrance and attached to a building located in the Downtown Business (B-1), Highway Business (B-2), Business Transition (B-3), Neighbor Service (B-4), Harbor Business (B-H), Transitional Harbor Business (B-TH), Transitional River Business (B-TR), or River Business (B-R), for the purpose of posting information such as, but not limited to, menus, specials, new products, sales, real estate listings, or sample designs, provided the sign does not exceed 3 square feet. *(Added 11/10/09, Amended 11-6-2012)*

(8) Temporary sandwich board signs used to direct vehicles or pedestrians to an event sponsored by a civic group, organization or arts group, however, except as permitted under Section 11, (3), (e), other uses of sandwich board signs are prohibited. *(Added 11/10/09, Amended 11-6-2012)*

(9) Signs to direct vehicles or pedestrians within private or public property, provided the signs are no larger than 3" by 18". *(Added 11/10/09)*

(10) A single sign advertising fresh produce grown on the premises provided the sign does not exceed 4 square feet in area. *(Added 11/10/09)*

(11) Directional and informational signs on municipal property with the approval of the Code Enforcement Officer. *(Added 11/10/09)*

Section 5. Community, Municipal, and Quasi-Municipal Facilities

Signs shall meet the requirements of Section 11. "Specifications."

Section 6. Obsolete Signs

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

Section 7. Illuminated Signs

If an exterior sign is to be illuminated it must be illuminated externally only, and shall be lighted from sources which are shielded from streets and adjoining property, with no exposed source of illumination. Businesses are allowed to display one (1) internally illuminated "Open" sign with a maximum size of two (2) square feet in a window visible from the street with a permit from the Code Officer. Any permitted "Open" sign shall not advertise or contain a logo of any product or company. The intensity of light from any illuminated sign visible from the exterior of the business shall remain constant in color, location, and brightness. No sign shall constitute a hazard to the flow of vehicular or pedestrian safety.

Section 8. Flags, Banners and Pennants

Flags, banners, and pennants may be used for the promotion of an event by a civic group, organization, or arts group, provided they are displayed for no longer than seven consecutive days. Flags, banners and pennants may be used for customer or employee appreciation days, provided the are displayed no more than once a year and no longer than seven consecutive days; or upon the grand opening of a new business provided they are displayed for more than seven consecutive days. A permit from the Code Enforcement Officer for such flags, banners, and

pennants shall be required for each event. All other use of flags, banners, and pennants as signs is prohibited; provided, however, that nothing in this Ordinance shall prohibit the flying of national, state, or municipal flags, or the official flag of any institution or business. *(Amended 11/10/09)*

Section 9. General Prohibitions in All Zones

(1) Billboards, animated signs, flashing signs, roof signs, rotating signs, signs containing any visible moving parts and portable signs are prohibited in all zones. Engraved cornerstones and stone engraved building or structure names are exempt from this prohibition.

(2) Sandwich board signs, easels, and other sidewalk signs not affixed to a structure or sign post are prohibited on any public or private way except as permitted under Section 11 Specifications, (3),(e). *(Amended 11/10/09, Amended 11/6/12)*

(3) Ladder signs affixed by the use of hooks and chains are prohibited, except that such signs no larger than 3 inches by 18 inches may be used to indicate whether a business is open or closed or its vacancy status.

Section 10. Off Premises Signs

(1) Off-premises signs, including Official Business Directional Signs (OBDS), as defined by the State of Maine Department of Transportation, are prohibited in all zones, except that any off-premises sign approved by the Department of Transportation and in place at any time in the twelve months preceding June 27, 1985, may remain.

(2) The location of traffic, public parking, public transportation, and roadside municipal directional signs must be approved by the Code Enforcement Officer.

Section 11. Specifications

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

(1) Industrial District (I): one on-premise sign identifying the business, with a maximum area of 30 square feet.

(2) Rural 1 (RU-1), Rural 2 (RU-2), Rural Recreation (RR), Village Extension (VE), Traditional Village (V), and Coastal Residential (CR) Districts: two on-premise signs pertaining to a permitted use conducted on the premises, with a maximum area of sixteen square feet. Approved subdivisions may be allowed one sign designating the name of the subdivision in accordance with the specifications of paragraph (3)(a) of this Section. *(Amended 11/10/09, , Amended 11/6/12)*

(3) Downtown Business (B-1), Highway Business (B-2), Business Transition (B-3), Harbor Business (B-H), Transitional Harbor Business (B-TH) *(added 11/11/08)*, Transitional River Business (B-H), River Business (B-R), and Neighborhood Service Districts (B-4): a

business situated on its own, individual lot may have no more than three signs in any combination of the following approved types:

(a) Freestanding signs: one sign with a maximum height of 9 feet measured from the ground to top of the highest support or top of sign, with a maximum sign area of 16 square feet.

(b) On-building signs: one sign identifying the name of the business conducted on the premises and limited additional information which explains the nature of the business or profession. The sign shall be limited to one row of letters of a maximum height of 16" or one row of letters of a maximum height of 12" identifying the name of the business and one additional row of letters of a maximum height of 6" providing limited additional information which explains the nature of the business; or to a sign identifying the name and/or logo of the business which is no greater than one square foot of sign for each two linear feet of the building fronting on the thoroughfare or waterfront and shall not exceed a maximum of 50 square feet in area. *(Amended 11/10/09)*

(c) Canopy signs and projecting signs: one sign with a maximum sign area of 12 square feet, except that such signs that overhang a public right-of-way shall have a maximum sign area of six square feet and a minimum vertical clearance of 10 feet. *(Amended 11/10/09)*

(d) One additional sign shall be permitted if the building fronts upon more than one thoroughfare (including the harbor), said additional sign to front on said thoroughfare or waterfront. *(Added 11/10/09)*

(e) One (1) freestanding or A-frame blackboard sign up to 17" x 28" in size may be allowed with a permit from the Code Enforcement Officer, on private property in the Downtown Business (B-1), Transitional Harbor Business (B-TH), and Transitional River Business (B-TR). One (1) freestanding or A-frame blackboard sign up to 24" x 36" in size may be allowed with a permit from the Code Enforcement Officer, on private property in the Highway Business (B-2), Business Transition (B-3), and Neighborhood Service (B-4). In determining whether to issue a permit the CEO shall consider pedestrian and vehicle safety. *(New – 11/6/12)*

(f) In addition to signs otherwise permitted, two signs not to exceed two square feet each in sign area, designating an entrance or exit to a parking lot, shall be allowed.

(g) Approved subdivisions may be allowed a single permanent sign designating the name of the subdivision in accordance with the specifications of paragraph (3), (a) of this Section. *(New – 11/15/05)*

(4) Businesses that share a building each may have no more than two on-building, canopy, or projecting signs according to the specifications set forth in paragraph (3) above. One additional sign shall be permitted if the building fronts upon more than one thoroughfare (including the harbor), said additional sign to front on said thoroughfare or waterfront.

(a) In addition, the building may accommodate a single consolidated sign, no greater than the square footage equivalent to the linear footage of the building fronting on the thoroughfare or waterfront, with a maximum sign area of 100 square feet, except in the Business Transition District (B-3), where the maximum sign area shall be 16 square feet. *(Amended 11/10/09)*

(b) Street level businesses that share a building may have an individual free standing sign, provided that the business has a separate street level entrance. *(Added 11/10/09)*

(c) A consolidated sign may take the form of a ladder sign.

(5) Home Occupations and Tradesman Shops permitted as Special Exceptions (*Amended 11/6/12)*

(a) Home Occupations
One on-building sign is allowed for a home occupation in the Traditional Village (V) and Village Extension (VE) zoning districts, with a maximum sign area of six square feet. One free standing sign is allowed for a home occupation in the Traditional Village (V) and Village Extension (VE) zoning districts, where the speed limit is 35 MPH or greater, with a maximum sign area of six square feet. One on-building and one free standing sign is allowed for a home occupation in the Rural 1 (RU-1), Rural 2 (RU-2), and Coastal Residential (CR) Zoning Districts, with a maximum combined sign area of sixteen square feet. Properties with more than one home occupation shall be required to place all information on the one sign. *(Amended 11/10/09 & 11-6-12)*

(b) Tradesman Shops permitted as Special Exceptions
One on-building and one free standing sign is allowed for a Tradesman Shop permitted as a Special Exception in the Rural 2 (RU-2) with a maximum combined sign area of sixteen square feet. *(Added 11-6-12)*

(6) Nonconforming signs in existence prior to the date of adoption of this Ordinance on November 4, 1992, may be replaced by new signs that comply with the terms of this Section or that are not larger than 75% of the existing sign area. A nonconforming sign which is discontinued for a period of 24 consecutive months, may not be resumed.

(7) A sign allowed in the front setback area may not protrude outside the property line, except for canopy or projecting signs in conformance with paragraph 3(c) of this Section.

(8) All roadside municipal directional signs for public facilities, except those covered under #9, shall be standard "symbol" signs approved by the Code Enforcement Officer, measuring no larger than 12" by 18" with an additional directional arrow sign where

needed. No wording shall be used on the sign. These signs shall be placed on a single metal post or pressure treated wood post, or on sign posts erected for other purposes.

(9) Roadside signage for public parking and transportation facilities shall be no larger than 12" by 18". Free standing signs within public parking facilities shall be no larger than 16 square feet.

Section 12. Temporary Signs

(1) A temporary sign, as defined in this Ordinance, shall not exceed six square feet in sign area and shall not be illuminated.

(2) A sign permit shall be required for any sign erected longer than 90 days within any 12-month period, except real estate signs offering property for sale or rent, which may be left in place without a permit until the sale or rental of the property, and construction signs, which shall be allowed without a permit for the duration of the project. Real estate signs shall not be placed in traffic islands, within town right of ways or at any location that could cause a traffic hazard. *(Amended 11/10/09)*

(3) New construction requiring Site Plan Review shall be allowed one construction sign of up to 16 square feet for the duration of the project.

Section 13. Town Directional Signage *(Section added 06/17/09)*

(1) A permit for town directional signage shall be issued by the Code Enforcement Officer upon the recommendation of the Camden Planning Board and the recommendation of the Parking, Transportation and Traffic Committee and the approval of the Camden Select Board.

(2) Town directional signage shall be of consistent design and shall use international symbols whenever possible.

(3) The specific placement of town directional signage shall be approved by the Maine Department of Transportation when located along State roads; and by the Road Commissioner and Chief of Police when located along Town of Camden Roads.

(4) Minor changes to town directional signage are permitted with the approval of the Code Enforcement Officer.

Article XII Site Plan Review

Section 1. Purpose and Applicability

The purpose of site plan review is to assess the impact of new development on surrounding properties, municipal facilities and services, and the natural environment. Only uses that have been established as permitted uses, either as a matter of right or as a result of successful review as a special exception, are intended to be able to proceed to site plan review. Therefore, the purpose of site plan review is not to establish the right of a use to be located in the area proposed, but rather it is to assure that the way the use is designed and placed on a lot is appropriate to its surroundings. This section shall apply to:

(1) Proposals for new construction of nonresidential buildings or structures and of multifamily dwellings, including accessory buildings or structures, having a total area for all floors of more than 1,000 sq. ft. and placement of non-temporary accessory storage containers. *(Amended* – 11/5/13)

(2) Proposals for enlargement of nonresidential buildings or structures, congregate housing developments and of multifamily dwellings, including accessory buildings and structures, if the enlargement/expansion increases the gross floor area by more than 1000 square feet ~~has a total area for all floors~~ within a five-year period ~~of more than 1,000 sq. ft~~.

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(3) Proposals to pave, strip, remove earth materials from, or grade areas of more than 10,000 sq. ft. within a five-year period for non-residential uses and mineral extraction in accordance with Article X, Part II, Section 1(2)(b), except that Site Plan Review is not required for roads and infrastructure for approved subdivisions or for construction, maintenance or repair of municipal or state roads and infrastructure. *(Amended – 11/13/07)*

(4) Proposals to pave, strip, remove earth materials from, or grade areas of more than 40,000 sq. ft. within a five-year period for residential uses; however, in reviewing such proposals, the Planning Board shall only consider Section 6, Approval Criteria, (1), (2) and (5). *(Amended – 11/13/07)*

(5) Proposals to change residential uses to nonresidential uses having a total non-residential floor area of more than 1,000 square feet. *(Amended - 6/20/06)*

(6) Proposals to construct, enlarge, or extend piers, wharves, bulkheads, breakwaters, consolidated piers, causeways, marinas, bridges over 20 feet in length, and uses projecting into water bodies. *(Amended – 6/20/06)*

(7) Proposals to construct new wireless telecommunications facilities, and any expansion of an existing wireless telecommunications facility that increases the height of the facility by more than 20 feet. Such proposals shall also be reviewed according to the Wireless Telecommunications Facility Siting Ordinance.

(8) Proposals ~~under (1) and (2) above or proposals~~ that include two or more of the following types of exterior renovations to a non-residential or multi-family building within a two-year period, in the B-1, B-TH or B-TR zoning districts:

(a) façade

(b) roof

(c) siding

(d) awnings

(e) exterior lighting

(f) historic or architectural details *(Item 8 added – 11/2/10)*

(9) Proposals to apply a Business Opportunity Zone Overlay to a parcel (or parcels) within the B-2, B-3, B-4, B-R or B-TR zoning districts. In addition to the Approval Criteria found in Section 6. Approval Criteria, (1) – (10) below, applications for a BOZ Overlay shall undergo a review of design standards unique to the BOZ Overlay found at Section 6. Approval Criteria, (12). Applicants should tailor all submissions required for Site Plan Review to address these standards. *(Item 9 added – 6/9/2015)*

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

Section 2. Procedures

(1) No building permit or plumbing permit shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Article until a site plan of development has been approved by the Planning Board.

(2) Applicants are encouraged to meet in a pre-application conference with the Planning Board prior to formal submission of an application.

(3) Every applicant applying for site plan approval shall submit to the Code Enforcement Officer nine (9) copies of a complete site plan of the proposed development, which shall be prepared in accordance with Section 3 of this Article, accompanied by a fee as determined by the Selectmen. All approved site plans produced with a computer assisted design program shall be submitted with a digital copy of the plan in a form acceptable to the Town. A fee schedule for site plan review shall be established by the Selectmen annually. The schedule shall include a fee for applications for site plan review and for site plan amendments that are filed after the commencement of the activity for which approval is required, such fee to be greater than the fee for an application that was filed in a timely manner. The Code Enforcement Officer shall retain two (2) copies of the plan and forward one copy each to the fire chief, town manager, police chief, superintendent of the wastewater treatment plant, and director of the solid waste disposal system. *(New second sentence – 11/15/05)*

(4) A complete application for site plan approval shall be submitted at least fifteen (15) days prior to the Planning Board meeting at which the applicant wishes to be heard. However, any application which is not complete shall not be placed on the agenda but shall be returned to the applicant by the Code Enforcement Officer with instructions as to the additional information required. The Code Enforcement Officer shall review the proposed project for Zoning Ordinance compliance and to determine that all special exceptions and/or variances which may be necessary first have been obtained from the Zoning Board of Appeals. The Code Enforcement Officer shall continue to review the project for Zoning Ordinance compliance as changes are made during the site plan review process. Within ten (10) days after receipt of their copies of the complete site plan, the town officials who have been forwarded copies of the plan shall submit their written comments to the Code Enforcement Officer. Any supplemental information or plan revisions shall be submitted no less than seven days prior to the Planning Board meeting.

(5) Within sixty (60) days after the date on which the site plan application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant. During this sixty (60) day period, the Board may schedule an on-site visit.

(a) In connection with the review, the Planning Board shall hold a Public Hearing within thirty (30) days after the site plan application first appears on the Planning Board agenda, however, the Planning Board may waive the public hearing for applications under Section 1, (8); the time limit for scheduling such public hearing may also be extended by mutual agreement of the Planning Board and the applicant. Any mutual agreement for extension of the time for a public hearing or of the time for review set forth in Article XII, Section 2(5), shall be in writing, signed by the Planning Board and the applicant or the applicant's agent. *(Amended – 11/2/10)*

(6) Within thirty (30) days of reaching its decision, the Planning Board shall notify the applicant in writing of its action and the reason for taking such action. *(Amended - 6/15/04)*

(7) For applications under Article XII, Section 1, (~~6~~7), the Planning Board shall obtain comments from the Harbor Committee. The Conservation Commission as well as other appropriate Town Officials and committees may also be asked to comment. In addition, the Planning Board may schedule a public hearing to obtain additional information from the public. No construction authorized under this procedure shall be considered usable or completed until a certificate of completion has been issued by the Code Enforcement Officer certifying completion in conformance to all terms and conditions under which the application was approved. *(First sentence amended – 6/20/06)*

(8) An appeal from a decision of the Planning Board concerning a site plan application may be filed by an aggrieved party with the Zoning Board of Appeals. Such an appeal shall be filed within 15 days of the decision of the Planning Board. The Zoning Board of Appeals shall have no authority to decide any appeal that is not filed within that 15-day period. *(Amended – 11/13/07)*

On appeal, the review of the site plan decision shall be limited to correction of clear errors of law made by the Planning Board in connection with the site plan decision, and the Zoning Board of Appeals shall have no authority to reverse or modify a factual finding of the Planning Board. In connection with such an appeal, the review of the Zoning Board of Appeals shall be based exclusively on the record before the Planning Board. Upon receipt of an appeal of a site plan decision, the Zoning Board of Appeals may defer consideration of that appeal for a period not to exceed 30 days, in order to permit consideration of that appeal to occur at the same meeting of the Board as consideration of an appeal of the issuance or denial of a building permit for the same project. At such a meeting concerning both appeals, the appeal of the issuance or denial of the building permit shall not be limited to the review of clear errors of law, and shall be considered separately from the appeal of the site plan decision of the Planning Board. A decision of the Zoning Board of Appeals concerning an appeal of a site plan decision of the Planning Board shall be appealable to the Superior Court within 45 days after that decision, as provided by Title 30-A M.R.S.A., Section 2691, as the same shall be amended from time to time.

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

Section 3. Site Plan Content

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

(a) owner's name and address

(b) names and addresses of all abutting property owners

(c) sketch map showing general location of the site within the Town

(d) boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.

(e) zoning classification(s) of the property lines of the property to be developed and the source of this information.

(f) the bearing and distances of all property lines of the property to be developed and the source of this information. The Board may require a formal boundary survey when sufficient information is not available to establish on the ground, all property boundaries.

(g) the location of all building setbacks required by this Ordinance.

(h) the location, dimensions, front view, and ground floor elevations of all existing and proposed buildings in the site.

(i) the location and dimensions of driveways, parking and loading areas, and walkways.

(j) location of intersecting roads or driveways within 200 feet of the site.

(k) the location and dimensions of all provisions for water supply and wastewater disposal

(l) the location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained and of any new landscaping planned.

(m) location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

(n) location, front view, and dimensions of existing and proposed signs.

(o) location and type of exterior lighting.

(p) copies of applicable State and Federal approvals and permits, provided, however, that the Board may approve site plans subject to the issuance of specified State and Federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.

(q) a signature block on the site plan, including space to record a reference to the order by which the plan is approved.

Section 4. Supplemental Information

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

(1) Existing and proposed topography of the site at two foot contour intervals, or such other interval as the Board may determine, prepared and sealed by a surveyor licensed in the State of Maine.

(2) A storm water drainage and erosion control plan prepared by an engineer or landscape architect registered in the State of Maine, showing:

(a) the existing and proposed method of handling storm water runoff.

(b) the direction of flow of the runoff through the use of arrows.

(c) the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

(d) engineering calculations used to determine drainage requirements based upon a 25-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

(e) methods of controlling erosion and sedimentation during and after construction.

(3) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.

(4) A planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted.

(5) In addition to items (a), (c), (d), (l), (m), (o) and q in Section 3, applications for Piers, Wharves, Breakwaters and Boat Ramps shall include: (*Amended - 11/2/10)*

(a) A site plan stamped and sealed by an engineer registered in the State of Maine.

(b) An elevation showing the height of the pier in relation to normal high water.

(c) A pier section.

(d) A detailed erosion control plan, including a schedule of construction. The schedule shall include the kind of motorized equipment, how and when it will be used below high or low water.

(e) A detailed plan showing how oils, greases or other contaminates will be separated and handled.

(f) Copies of required Maine Department of Conservation submerged lands lease, Maine Department of Environmental Protection and United States Army Corps of Engineers permits, provided, however, that the Board may approve site plans subject to the issuance of specified State and Federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.

(6) In addition to the submission requirements above, applications for exterior renovations in the downtown as required in Section 1, (8), shall include the following, if applicable:

(a) an elevation sketch of the proposed façade(s)

(b) sample materials or cut sheets

(c) digital color photos of the streetscape

(d) renderings or photo simulations of the proposed exterior

(e) photos of historic or architectural details

(Item 6 *Added - 11/2/10)*

Section 5. Waiver of Submission Requirements

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

Section 6. Approval Criteria

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

(1) Preserve and Enhance the Landscape

The landscape shall be preserved in its natural state insofar as practical by minimizing tree removal, disturbance of soil, and by retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures and to minimize the encroachment of the proposed use on neighboring land uses.

(2) Erosion Control

Filling, excavation, and earth moving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum, including:

(a) preservation and protection of natural vegetation where possible

(b) keeping duration of exposure of disturbed soils to as short a period as possible and stabilizing the disturbed soils as quickly as practicable.

(c) use of temporary vegetation or mulching to protect exposed critical areas during development.

(d) use of debris basins, sediment basins, silt traps or other acceptable methods to trap the sediment from stormwater runoff.

(e) no storage of fill materials within 50 feet of the banks of any stream, intermittent or perennial, or water body.

(f) no removal of topsoil from any lot, except for that removed from areas to be occupied by buildings, paving, or other surfaces that will not be revegetated.

(3) Relationship of the Proposed Building to Environment and Neighboring Buildings

The physical placement of proposed buildings or structures on the site shall fit harmoniously with the terrain of the site and with neighboring buildings or structures, taking into account the bulk, location, and height of the buildings or structures and such natural features as slope, soil type, and drainage ways. The proposed buildings or structures shall not interfere unreasonably with the solar access of existing buildings or adjacent parcels.

(4) Vehicular Access, Parking, and Circulation

The proposed site layout shall provide for safe access to and egress from public and private roads:

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

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

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

(c) pedestrian ways shall be safely separated from vehicular traffic.

(5) Surface Water Drainage

Adequate provision shall be made for surface drainage so that removal of storm waters will not have an unreasonably adverse effect on neighboring properties, downstream water quality, soil erosion or the public storm drain system. Whenever possible, on-site

absorption of runoff waters shall be used to minimize discharges from the site. Drainage facilities shall be designed for a twenty-five year storm frequency.

(6) Public Utilities

The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities. New utilities shall be sized and existing utilities upgraded to adequately handle the demands of the development. *(Heading added – 6/20/06)*

(7) Special Features of Development

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

(8) Exterior Lighting

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

(9) Emergency Vehicle Access

Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times of the year, including 20 foot wide fire lanes at locations as may be recommended by the fire department.

(10) Special criteria for Piers, Wharves, Breakwaters, Municipal Boat Ramps, Municipal Piers, Consolidated Piers, Causeways, Marinas, Bridges over 20 feet in length and other uses projecting into water bodies requiring site plan approval under the terms of this Ordinance. In addition to the above approval criteria, the site must be demonstrated to be suitable for the proposed use according to the following special criteria. *(First sentence amended - 6/20/06)*

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

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

(11) Design standards for new construction, additions or exterior renovations in the B-1, B-TH or B-TR Zoning Districts. The applicant is strongly encouraged to adhere to these standards, however, the decision of the Planning Board on these design standards shall be non-binding on the applicant.

The downtown area is a symbol of community economic health, local quality of life, pride, and community history. A thriving downtown preserves a sense of place and

promotes the economic well-being of its residents. (Camden Comprehensive Plan – June, 14, 2005).

(a) The wall of the building facing a street or the harbor shall be treated as a front façade and shall incorporate pedestrian-scale design features such as doors and windows to create a character that complements the overall visual character of the streetscape.

(b) The roof shall be designed to maintain the overall visual character of the streetscape, to the extent practical.

(c) Building scale should take into consideration the unique qualities and character of the surrounding area. Buildings should reduce their apparent bulk by dividing the building mass into several smaller-scaled components.

(d) Siding should be visually compatible with other exterior finishes on the building and with those buildings to which it is visually related. Any quality material that simulates traditional features will be considered on a case-by-case basis.

(e) Awnings shall complement the overall visual character of the district. Rigid metal or plastic awnings are prohibited.

(f) Other than general lighting for the commercial space, there shall be no spot lights, flashing lights or strobe lights other than permitted lighting for signage.

(g) Buildings with historic features or specific architectural details, shall preserve those features and details to the maximum extent feasible.

(Item 11 added -11/2/10)

(12) Overlay Design Standards for the Business Opportunity Zone (BOZ) Article IX Section 16, which are in addition to and/or supersede the Standard District regulations for the parcel(s) current zone.

(a) Floor Area Ratio (FAR), Building Height and Design:

i) A maximum FAR (floor area ratio) of 2.0 is permitted. Floors below grade shall not be included in FAR calculations.

ii) Buildings are encouraged to be taller with more floors (rather than low and wide). Height is limited to three usable floors above grade. Maximum height for a building with a flat roof – 33 feet; with a parapet added – 37 feet; and with a sloped roof - 46 feet maximum height.

iii) Any continuous wall greater than fifty feet in length shall be interrupted by a different wall plane or an architectural feature of at least eight feet in length.

(b) Landscaping

Landscaping sufficient to ring the boundaries of the developed space along the property line is required. A total of one major native species deciduous tree, 10-14' tall, 3-4" diameter at breast height (dbh) or two 6-8 foot conifers or two 6-8 foot tall flowering trees is required for each 75 feet of property line length with a minimum that 50% of these trees shall be major trees. The trees shall be placed along the borders of the property in order to provide required screening and in locations where they will appear as if they grew there naturally based on other existing vegetation, topography and relation of the buildings to neighboring properties. In addition, twelve 2-3 foot tall shrubs per acre are required. The shrubs shall be located to act as screening or to highlight design features such as entry doors, sidewalks and signage. Landscape berms, placed boulders and plant groupings are encouraged to make the site more attractive. For any multi lot applications submitted for BOZ approval as one application the property line for landscape calculations shall be the property boundary between the properties constituting the site plan and any adjacent properties.

Preservation of existing specimen trees or beneficial naturally vegetated areas is encouraged and can be considered as a possible partial offset to the required landscaping.

(c) Utilities
Utilities including electric, phone, cable and propane shall be buried on site.

(d) Parking
Parking requirements within the BOZ may be flexible and creative parking solutions are encouraged such as the use of motorcycle or bicycle parking areas. Parking shall be 80% of the standard parking requirements for the total of all uses based on the requirements of Article X, Part II, Section 4 however, no grandfathered spaces or fees in lieu of spaces are allowed. Parking areas should be grouped so that multiple buildings will utilize adjacent spaces and businesses should consider shared parking. Service areas (dumpsters, etc.) shall be screened.

(e) Traffic

Traffic is to be controlled so that businesses within the BOZ can send out delivery trucks in the morning and receive them back at end of day.

(Item 12 added - June 9, 2015)

Section 7. Expiration of Approval

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

Section 8 Site Plan Review

(a) The Code Enforcement Officer may approve and allow minor field adjustments to an approved Site Plan if the Code Enforcement Officer is satisfied that such changes have no adverse effect upon approval criteria or conditions of approval.

(b) Upon request of an applicant, the Planning Board may allow amendments to an approved Site Plan without requiring a new Site Plan Application if the Board is satisfied by majority vote that such amendment has only minor or no new effect upon approval criteria or conditions of approval. If the Planning Board is satisfied by the above criteria that the matter may be heard as an amendment, the Planning Board may allow an amendment if it is satisfied the amendment meets the site plan approval criteria.

(c) Notice of the consideration of a request for an amendment to a Site Plan by the Planning Board shall be accomplished by posting the agenda and publication at least seven (7) days prior to the Planning Board meeting.

Article XIII Historic Resources Committee

Section 1. Appointment and Composition

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

Section 2. Procedures

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

Section 3. Duties

The Committee shall be authorized to:

(1) Conduct a survey of historic resources within Camden and maintain a record of such resources. These resources shall include buildings, building sites, designed landscapes, prehistoric sites and materials, and documents relating to these.

(2) Recommend methods and procedures necessary to preserve, restore, maintain, and operate historic sites and properties owned by the Town.

(3) Review alterations, relocation, and demolition of designated historic properties owned by the Town.

(4) Review all proposed nominations to the National Register for properties owned by the Town.

(5) Recommend ordinances and otherwise provide information for the purposes of historic preservation within the Town, including evaluations of the potential impacts of proposed governmental projects on properties within the Town's designated Historic Areas, pursuant to Article X, Part I, Section 3 of this Ordinance.

(6) Act in an advisory role to other officials and departments of local government regarding the protection of local historic resources.

(7) Act as local liaison on behalf of local government to individuals and organizations concerned with historic preservation.

(8) Promote and conduct an educational and interpretive program on historic preservation and historic properties and sites within the Town.

(9) Cooperate with federal, state, and local governments in the pursuit of the objectives of historic preservation.

(10) Participate in the conduct of land use and other planning processes undertaken by the Town, the state or federal government and the agencies of those entities.

Article XIV Regulation of Private Ways

Section 1. Purpose and Applicability

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

(1) The development, construction, or use of a private way constructed after June 9, 1998, which has a length of more than 500', for the purpose of vehicular access to a lot of land or a principal use on a lot or to meet the frontage requirements in the ordinance; and

(2) The extension of or addition to a private way constructed on or before June 9, 1998) which provides vehicular access to serve additional lots or additional principal uses which were not served by the existing private way, in combination with an existing private way, which is more than 500', in length (such length shall be measured from the terminus of the portion of an existing private way which meets the approval criteria set forth in this ordinance in Article XIV(Section 4), or, in the event that no portion of the existing private way meets those approval criteria, then such length shall be measured from a Town road or approved subdivision right-of-way which does meet the approval criteria set forth in that section of the ordinance).

Section 2. Application

For private ways within the scope of Section 1. (1) and (2) above, no private way shall be developed, constructed, or used after June 9, 1998 and no private way constructed prior to June 9, 1998 shall be extended to serve additional lots or principal uses until a permit for that private way has been approved by the Planning Board and the permit issued for that purpose.

(1) A complete application for approval of a private way shall be submitted at least 15 days prior to the Planning Board meeting at which the Applicant wishes to be heard. Within 30 days after the date on which the application for approval of a private way first appears on the Planning Board agenda, the Planning Board shall act to approve, approve with conditions, or disapprove the application for the permit. During this 30 day period, the Board may schedule an on-site visit.

(2) An application for a permit for a private way shall contain, at least, the following information:

(a) applicant's name and address;

(b) name and addresses of all abutting lot owners served by the private way;

(c) a plan prepared by a registered land surveyor which shall delineate the existing and the proposed private way and each of the lots to be served by the private way, and that plan shall be labeled "Plan of a Private Way";

(i) the plan shall bear a note that the Town of Camden shall not be responsible for the maintenance, repair, plowing or sanding of the private way, and that further lot divisions utilizing the private way are prohibited without the prior approval of the Planning Board.

(ii) the plan shall show the intersection of the private way with any public way or Town road and the sight distances from that intersection on both approaches to the private way from the public way or Town road;

(d) a maintenance agreement shall be submitted with the application and that maintenance agreement shall specify in writing the rights and responsibilities of each lot owner with respect to maintenance, repair, plowing and sanding of the private way, except as stated otherwise in Section 4(9) of this Article.

(e) a storm water drainage, and erosion control plan prepared by an engineer or landscape architect registered in the State of Maine, showing:

(i) the proposed method of handling storm water runoff;

(ii) the direction or flow of run off through the use of arrows; and

(iii) the location of drainage ditches, swales, retention basins, and other features designed to regulate or control drainage.

(f) The Applicant shall submit such further information as the Planning Board may require in circumstances, in which the Planning Board determines that, due to the scale, nature of the proposed private way, or the impact of the private way on safety considerations, such information is necessary to insure compliance with the intent and purposes of this Article of the Ordinance.

Section 3. Waiver of Submission Requirements

The Planning Board may modify or waive any of the submission requirements or application requirements when it determines that, because of the size of the project or circumstances of the proposed private way, such requirements would not be applicable or would be an unnecessary burden on the Applicant and that such modification or waiver would not adversely affect the

safety of the private way, or unduly increase the burden on municipal services, or defeat the purposes of this Article.

Section 4. Approval Criteria

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

(1) A turn-out to provide space for two vehicles to pass, measuring a minimum of 10' wide by 50' long, shall be provided for every 500' of a private way. For a diagram of Section 4(1), see Schedule A attached to this ordinance section and incorporated by reference herein.

(2) The private way shall establish and maintain a minimum of 14' of vertical clearance.

(3) The private way shall be designed so that the private way shall not be subject to seasonal flooding or washout and the Planning Board may require, as a condition of approval, drainage ditches and culverts to meet this criteria.

(4) The intersection of a private way with a public way or Town road shall not present a safety hazard and there shall be sufficient sight distance from that intersection in both directions along the public way or Town road.

(5) The intersection of the private way with driveways and the steepness of the private way shall not cause a hazard to pedestrian or vehicular traffic.

(6) The maintenance agreement submitted by the Applicant shall adequately specify the rights and responsibilities of each lot owner with respect to maintenance, repair, plowing and sanding of the private way so that the private way is properly maintained and repaired.

(7) Dead ends in a private way of more than 500' in length shall have a solid paved circle with a minimum radius of 40', or a turn around that is a minimum of 20' wide and 40' deep and located at least 40' and no more than 60' from the dead end. For a diagram in connection with this approval criteria, see Schedule A attached to this ordinance section and incorporated by reference into this ordinance section.

(8) The proposed private way, as depicted on the survey plan, shall provide for safe access to and egress from driveways to the private way and from the private way to the public way or Town road and shall meet the following minimum construction standards:

Minimum, roadway width -	10'
Minimum width of right-of-way -	30'
Minimum sub-base (6) inch minus) -	12"
Minimum wearing surface (1 inch minus) -	2"
Maximum grade -	10%
Minimum grade -	0.5%

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

Section 5. Expiration of Approval

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

Section 6. Recording Plan

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

Section 7. Appeal

An appeal from a decision of the Planning Board concerning a permit for a private way may be filed by an aggrieved party with the Zoning Board of Appeals. Such an appeal shall be filed no more than 15 days after the date of the mailing of the written decision of the Planning Board to the Applicant. The Zoning Board of Appeals shall have no authority to decide any appeal that is not filed within that 15 day period.

A decision of the Zoning Board of Appeals concerning an appeal of a decision of the Planning Board shall be appealable to Superior Court within 45 days after that decision as provided by Title 30-A M.R.S.A. S2691, as the same shall be amended from time to time.

Section 8. Definition of Private Way

For purposes of Article XIV only, a private way shall mean a right-of-way used for vehicular access from a public way or a Town road to a lot or a principal use on a lot in the event that the right-of -way used for that vehicular access is more than 500' in length, or for an extension of existing private way with a length of more than 500', with the length measured as set forth in Article XIV Section 1.(2). Private ways constructed and used after June 9, 1998 shall meet the requirements of Article XIV (as amended) of the Zoning Ordinance.

Schedule A

Diagram for Section 4. (1):

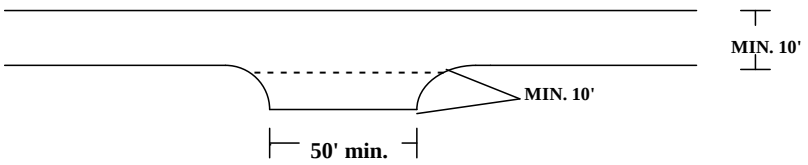
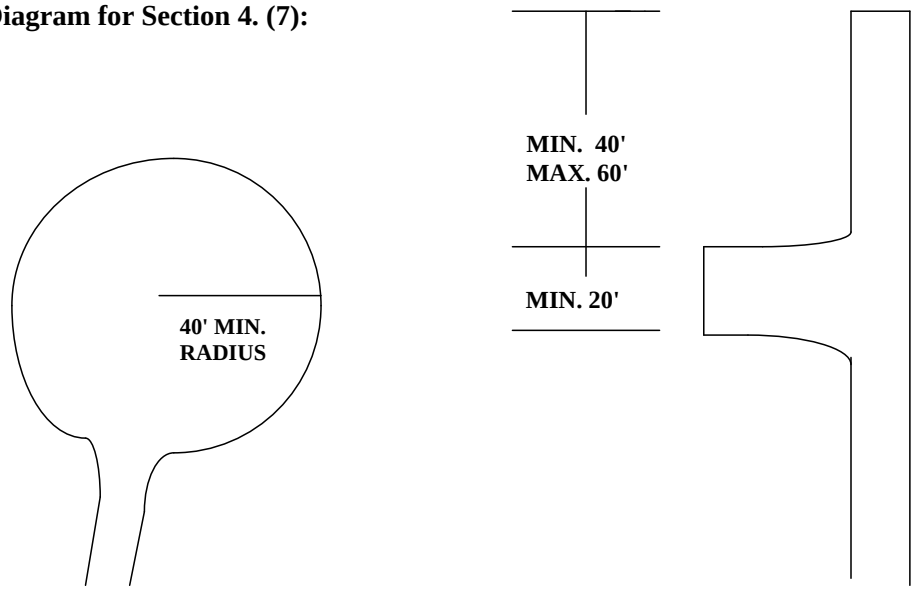


Diagram for Section 4. (7):



Article XV
Amendment and Other Interpretive Provisions

Section 1. Interpretation

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the comprehensive plan.

Section 2. Conflict with Other Ordinances

Whenever the provisions of this Ordinance conflict with or are inconsistent with those of another Ordinance or other regulations administered by the municipality, or wherever the regulations of one part of this Ordinance conflict with another part of this Ordinance, the stricter shall apply, except as expressly stated otherwise in this Ordinance. *(Amended 11/10/09)*

Section 3. Severability

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

Section 4. Amendment

No land use regulation or amendment thereof or change in the Official Zoning Map shall be adopted until after the Selectmen of the Town have held a public hearing thereon at least ten days before it is submitted to the Legislative Body for consideration. Public notice of the hearing shall be made at least ten days prior to the hearing. Amendments to this Ordinance shall be considered following petition, recommendation of the Planning Board, or motion of the Selectmen. The petitioner shall bear the cost of advertising and of any postage for notification of neighboring property owners.

Any amendments dealing with the shoreland area shall be effective only upon approval of the Commissioner of Department of Environmental Protection. Within fourteen (14) days following adoption of any shoreland amendments, the Municipal Clerk shall send a certified copy of the amendments to the Commissioner of Department of Environmental Protection for approval. If the Commissioner of Department of Environmental Protection fails to act on the amendments within forty-five (45) days of the Department's receipt of the certified copy, the amendments shall be deemed to be approved. Any application submitted to the Town within the forty-five (45) day review period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner of Department of Environmental Protection.

Section 5. Repeal

(1) The zoning ordinance herein shall be enacted and be of full force and effect on the day following the date of approval of this zoning ordinance by the voters of the Town of Camden at a town meeting, and any zoning ordinance of the Town of Camden in effect prior to the date of enactment of this zoning ordinance shall be repealed as of that date.

(2) Persons who have applied for permits or approval or filed appeals under terms of the previous Zoning Ordinance for the Town of Camden and prior to its repeal shall be governed by the terms of said previous Ordinance, unless they elect, in writing to the Code Enforcement Officer, to be governed by the terms of this Ordinance.

Section 6. Availability

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

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