

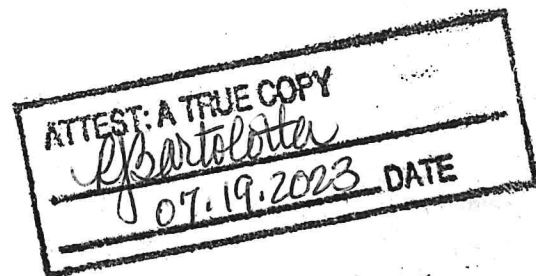
CHAPTER 101

LAND USE ORDINANCE

DAMARISCOTTA, MAINE

AS AMENDED THROUGH FEBRUARY 15, 2023

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§101.1 AUTHORITY.

This ordinance is enacted pursuant to MRSA T30-A §4352.

§101.2 PURPOSE

The purpose of this Ordinance is to further the maintenance of safe and healthful conditions and the general welfare, to prevent and control water pollution, to protect wildlife, to control building sites and location of structures and land uses, and to conserve shoreland areas, at the same time providing the greatest possible latitude in individual choices of land use. The Ordinance is intended to preserve the character and objectives of the community as determined by its citizens and outlined in its Comprehensive Plan. This ordinance is designed to implement the purposes included in the Maine Revised Statutes for Municipal Land Use plans.

§101.3 APPLICABILITY

This ordinance shall apply to all of the land area within the Town of Damariscotta.

§101.4 DEFINITIONS

Except where specifically defined, all words used in this ordinance shall carry their customary meanings. The Word "shall" is always mandatory. The word "may" is always permissive. For the purposes of this Ordinance, the following words or terms shall have the following meanings, unless the context clearly indicates otherwise.

Accessory Apartment: A small dwelling, either attached or detached (unattached) which is part of an existing single family owner-occupied home on the same lot and which is secondary to the single family home. Both units shall be occupied as primary residences and neither unit may be rented for less than on a monthly basis.

Accessory Use or Structure: A use of structure of a nature incidental and subordinate to those of the principal use or structure.

Adult Use Marijuana: Marijuana cultivated, manufactured, distributed or sold by an **adult-use** marijuana establishment.

Adult Use Marijuana Cultivation Facility: A facility licensed under state and local laws to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.

Adult Use Marijuana Product: A marijuana product that is manufactured, distributed or sold by a marijuana establishment for other than for medical use.

Adult Use Marijuana Products Manufacturing Facility: A facility licensed under state and local laws to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Adult Use Marijuana Store: a facility licensed under state and local laws to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Testing Facility: A facility licensed under state and local laws to develop, research and test adult use marijuana, marijuana products and other substances.

Agriculture: The cultivation of the soil, production of crops, including crops in commercial greenhouses, and raising and keeping of livestock, including animal husbandry, orchards, truck gardens, plant nurseries, poultry and other nondomestic animals, bees, the use of manure and fertilizers, the processing of agricultural products.

Alteration: Any change, addition or modification in construction, or change in the structural members of a building, such as bearing walls, columns, beams, and girders.

Assisted Living Facility: A residential facility that provides supervision, assistance with activities of daily living, recreational activities, dietary services housekeeping and care management. An assisted living facility may provide medication administration and nursing services.

Automobile Services Including Repair: Facilities for major maintenance and repair of passenger vehicles, motorcycles, pickup trucks and similar vehicles. The type of work normally provided includes engine overhauls, transmission repairs, glass replacement, body work, painting and similar work. Automobile services shall include muffler shops, brake shops, body shops, paint shops, tune-up centers, car washes, detailing, automotive diagnostic centers, lubricating services, road services rustproofing and other service uses similar to those listed.

Bed and Breakfast Establishment: A single family dwelling occupied by the owner as his/her principal place of that accommodates paying guests for a limited duration with sleeping and dining facilities; payable on a per-diem basis; having more than three (3) but less than ten (10) sleeping rooms; and in which some bath, sitting room and dining rooms are used in common by such guests. All dining facilities are limited to use by overnight guests of that particular establishment. For purposes of this definition, principal place of residence means that the owner of the land and buildings must be in residence on the premises while the bed-and-breakfast business is conducted. The residence of the owner must be in the main building where all bed and breakfast activities occur. Additional buildings on the lot that meet space, set back and parking requirements may be used for additional bed and breakfast activities. This use is considered a commercial use.

Bed and Breakfast Establishment As a Home Occupation: A single family dwelling occupied by the owner as his/her principal place of residence that accommodates paying guests for a limited duration with sleeping and dining facilities; payable on a per-diem basis; having between two (2) and three (3) guest rooms and limited to serving breakfast to said overnight guests shall be considered a home occupation accessory to principal use of the dwelling and shall be allowed under the standards applicable to home occupations. For purposes of this definition, principal place of residence means that the owner of the land and buildings must be in residence on the premises while the bed-and-breakfast business is conducted.

Boarding House, Rooming House or Lodging House: A building with a maximum of ten rooms, which, for compensation, lodging, or lodging and meals are provided. No provisions for cooking in

individual rooms other than a main kitchen is allowed.

Building: A structure for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.

Building Height: The building height shall be the height measured from the mean ground level at the foundation line to the highest point of the roof. Features of buildings and structures, such as chimneys, towers, ventilators, and spires shall not be considered as part of the roof. Buildings within the shoreland zone shall meet the definition of that ordinance.

Campground: Any area or tract of land used to accommodate two or more groups of people, in temporary living quarters, including tents, travel trailers or other temporary shelters.

Code Enforcement Officer: A person appointed by the Board of Selectmen to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Electrical Inspector, and the like, where applicable.

Community Garden: The use of a lot(s) or a portion thereof for the purpose of growing vegetables, flowers and/or other cultivated plants which are intended for consumption and/or use primarily by the surrounding neighborhood.

Conditional Use: A conditional use of land or buildings is a use that would not be appropriate in the land use district for which it is proposed, except with certain restrictions and controls, it will meet the intentions and purposes of this Ordinance. Except for Home Occupations, conditional uses are permitted only after review and approval by the Planning Board for conformance with the Site Review Ordinance.

Condominium: A building containing dwelling units arranged, intended or designed to be individually owned by their occupants under Maine State Law prevailing.

Congregate Care and Independent Living Facilities: A residential facility that is primarily engaged in providing residential and personal care services for the elderly and/or other persons who are unable to or do not desire to live independently. The care typically includes room, board, supervision, and assistance with activities of daily living, such as housekeeping, transportation, meal service and other specialized services such as medical support and physical therapy. These services may be provided in private apartments or multiple tenant rooms with community spaces and common dining areas.

Day Care Center: A building, structure or other place in which a person, or combination of persons, maintains or otherwise carries out a regular program, for consideration, for any part of the day providing protection and child care for more than twelve (12) children under thirteen (13) years of age, who are unattended by parents or guardians for any part of the day.

Drinking Place (alcoholic beverages): A business or commercial establishment which customarily excludes persons under the age of twenty-one (21) from admission to its premises, including, but not limited to, uses for which a special amusement permit is required class A lounges, dance halls and establishments serving alcoholic beverages other than restaurants as defined herein. Drinking places shall not include retail stores where alcoholic beverages are sold for consumption off premises.

Dwelling: A building designed or used as the permanent or seasonal living quarters for one or more

families.

Dwelling Unit: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles or motels, hotels and other similar facilities not equipped with a kitchen.

Emergency Operations: Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

Excavation: Any removal of earth or earth material from its original position.

Farmers Market: A food market at which local famers sell fruit, vegetables, meat, cheese, bakery products and similar items directly to consumers.

Family: One or more persons living together as a single household under a unified management with obligations of mutual support.

Forest Management Activities: Activities designed and intended to manage timber resources, including timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting, and other harvesting, rejuvenation of forest stands, and other similar associated activities, not including the construction of roads.

Formula Business: A type of retail sales establishment (i.e., chain store, outlet store), restaurant, tavern, bar, or take-out food establishment, which along with 20 or more other establishments maintains two or more of the following features:

- (1) Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.
- (2) Trademark or service mark, defined as a word, phrase, symbol or design, or a combination or words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of store design.
- (3) Standardized interior decor including but not limited to style of furniture, wall-coverings or permanent fixtures.
- (4) Standardized color scheme used throughout the interior or exterior of the establishment.
- (5) Standardized uniform including but not limited to aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags).

Frontage: The length of a lot bordering on a street, road, or right-of-way. For a lot fronting on public waters, the length in a straight line measured between the intersections of the side lot lines with the shoreline at normal high water elevation. For a corner lot, the frontage shall be on the way most traveled, as determined by the Code Enforcement Officer.

Gallery: An establishment that displays and sells works of art.

Gasoline Station: A facility that sells fuel and lubricants for motor vehicles.

Home Cultivation of Marijuana: Cultivation for personal adult use by a person 21 years of age or older is limited to cultivation of three (3) mature marijuana plants, twelve (12) immature marijuana plants, and an unlimited number of seedlings by each person 21 years of age or older who is

domiciled on a parcel or tract of land.

Home Occupation: An occupation conducted in a dwelling unit or a structure accessory thereto, provided that all of the following criteria are met:

- (1) No more than two persons other than a member of the family residing on the premises shall be employed in such occupation; and
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the total floor area of the dwelling unit and accessory structures used in the home occupation shall be used in the conduct of the home occupation; and
- (3) There shall be no change in the outside appearance of the building or premises, or any visible evidence of the conduct of such home occupation other than one (1) sign, except as hereinafter permitted; and
- (4) No traffic shall be generated by such home occupations in greater volumes than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required yard; and
- (5) No equipment or process shall be used in such home occupation which noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a detached one-family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in a radio or television receiver off the premises, or causes fluctuations in line voltage off the premises; and
- (6) There shall be no stock in trade regularly maintained or any new commodity sold on the premises; and
- (7) The following are specifically excluded as home occupations: Convalescent or nursing home, tourist home, animal hospital, restaurants, doctors' offices, dentists' offices, real estate offices,

registered primary caregivers, beauty shops and barber shops, except those that are owner-occupied, one (1) chair, appointment-only shops that meet all the other home occupation criteria.

Hotel, Motel or Inn: A commercial building or group of buildings of more than 10 lodging rooms with each room having its own private bathroom and each room having its own entrance and built primarily to accommodate for a fee travelers and other transient guests, who are staying for a limited duration, with sleeping and associated rooms. A hotel or motel may include suites or rooms, cooking and similar facilities within the rooms to accommodate guests, restaurant facilities where food is prepared and meals served to its guests and other customers, and associated facilities for the convenience and servicing of guests. A hotel or motel room or suite of rooms, as distinguished from a dwelling unit, each shall contain less than a total of six hundred (600) square feet of living area, provided that the area may be larger if, in the sole opinion of the planning board, the facility will function or is functioning as a hotel or motel and not as a residential dwelling unit. For the purpose of determining land area requirements, 3 lodging rooms shall require the same land area as one dwelling unit.

Light manufacturing: Businesses manufacturing, assembling or storing products where there is no exterior effect of the manufacturing use, including no exterior noise, odors, or air pollution, as defined in the site review ordinance. It may include laboratory or research facilities, printing or publishing plants, warehousing, wholesale business or storage, building materials, contractor's offices, dry batch concrete plants, trade shops, (including cabinetry, carpentry, plumbing, electrical or finishing); and related exterior equipment and product storage for those uses. It shall not include heavy manufacturing or industrial uses such as asphalt and wet batch mixing **plants**, rock crushing or processing or chemical reprocessing and storage.

Lot: A single parcel of land, described on a deed, plot, or other similar legal document.

Lot Coverage: The ratio of the total area of all structures on a lot divided by the area of the lot.

Marijuana Cultivation: The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or marijuana extraction.

Marijuana Establishment: A cultivation facility, a products manufacturing facility, a testing facility or a marijuana store licensed under state and local laws.

Marijuana Manufacturing or Manufacture: The production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

Marijuana Product: A product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

Marina: A shore front commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

Medical Facilities: Hospital and related uses shall include acute care, intermediate care, adult day care facilities, physician's offices, clinics, and other related uses.

Medical Marijuana Establishment: A registered caregiver retail store, registered dispensary, medical marijuana testing facility, or medical marijuana manufacturing facility.

Medical Marijuana Testing Facility: A public or private laboratory authorized under state and local laws to test medical marijuana for contamination, potency or cannabinoid profile.

Medical Marijuana Manufacturing Facility: A manufacturing facility authorized under state and local laws to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

Mixed Residential Development: A residential development involving a mixture of detached single-family dwellings, single-family attached dwellings with less than eight (8) common walls, two-family dwellings or multifamily dwellings with less than five (5) dwelling units per structure. A mixed residential development may contain a mixture of the listed building types; but, multifamily dwellings shall not constitute more than sixty (60) percent of the total number of dwelling units in the development. Mixed single-family residential development means a planned residential development involving a mixture of single-family detached dwellings and attached single-family dwellings.

Mixed-use Structure: A building containing one (1) or more dwelling units and nonresidential space. Said nonresidential space must be permitted in the underlying zoning district.

Mobile Home: A prefabricated self-contained dwelling unit manufactured on a permanent chassis and transported as a single unit to the site where it is to be occupied.

Mobile Home Park: A lot on which 2 or more mobile home sites are to be rented.

Modular Home: A prefabricated self-contained dwelling unit which is manufactured and transported in 2 or more sections to the site where it is to be occupied, and there joined together and set on a permanent foundation.

Multi-family Dwellings: Three or more dwelling units in single or multiple buildings on a single lot.

Neighborhood Store: A retail store that occupies less than five thousand (5,000) square feet of total floor space and within which no alcoholic beverages are consumed.

Net Residential Area or Acreage: The area of a parcel, which is suitable for development as determined by the Planning Board, shall be calculated by subtracting the following from the total or gross acreage of a parcel:

1. Total acreage that is used for street and sidewalk rights-of-way.
2. Portions of the parcel containing slopes over thirty-five (35) percent.
3. Portions of the parcel shown to be within the 100-year flood plain and floodway as designated on Federal Emergency Management Agency (FEMA) maps.
4. Portions of the parcel located in the Resource Protection District.
5. Portions of the parcel which are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:
 - 5.1. Water table at or near the surface for all or part of the year.
 - 5.2. Unstable soils such as Searsport Mucky Peat.

6. Portions of the parcel covered by surface waterbodies. Where the extent of unsuitability in a specific case requires interpretation, the Planning Board shall be guided by whether or not the potentially unsuitable area could be incorporated and used in parcel if the entire tract were developed as a traditional minimum size subdivision.

Net Residential Density: Net Residential Density shall mean the number of units per net residential acre.

Nursing Care Facility: A facility that provides 24-hour skilled nursing care services, rehabilitation and long-term care nursing services to patients or residents. Nursing care facilities are regulated and licensed by the State of Maine.

Non-conforming Use: A building, structure, or use of land, or portion thereof, existing at the effective date of adoption or amendment of this Ordinance which does not conform to all applicable provisions of this Ordinance.

Non-combustible: A material that, in the form in which it is used and under the conditions anticipated, will not aid combustion or add appreciable heat to an ambient fire. Materials, where tested in accordance with ASTM E136, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750 degrees C, shall be considered as noncombustible.

Parking Facilities as a Principal Use: A facility for the short or long term parking of passenger vehicles which is not accessory to another use.

Personal Service: A service exemplified by the types of services listed under NAICS 812, including but not limited to laundry and cleaning services, photography studios, shoe repair shops, funeral homes, mortuaries, beauty salons, barber shops, day spas, and similar services to the general public. This definition does not include tattoo parlors.

Places of Assembly, Amusement, Recreation, Entertainment, or Culture: Facilities designed to accommodate the public for amusement, entertainment, recreation or social activities including halls, auditoria, sports arenas, gymnasiums, skating and hockey rinks, stadia, golf courses, racetrack operations (excluding motorized vehicle racing), meeting rooms, theaters, and similar facilities but not including movie theaters.

Planned Unit Development: A concept of planned development to allow maximum variations of design provided that required residential densities are not exceeded. The development must be planned as a whole according to comprehensive and detailed plans including street, utilities, lots or building sites, design of all buildings to be constructed, and other uses and improvements on the land.

Principal Building: The building in which the primary use of the lot is conducted.

Professional Office: Offices for the practice of the professions of medicine, law architecture, engineering, accounting, and dentistry, and other commonly accepted professions.

Public Utility: Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public, and subject to regulations by the Public Maine Utilities Commission.

Recreational Vehicle: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling. It may include a pick-up camper, travel trailer, tent trailer, or motor home.

Recycling and Reprocessing Facility: A commercial enterprise involving the handling, storing and processing of waste materials including but not limited to scrap metal, paper, rags, chemicals, oils, solvents and similar materials but not including automobiles or involving the onsite disposal of these materials.

Registered Caregiver: A person who is registered by the Maine Department of Administrative and Financial Services, or other Department designated by Statute, per 22 M.R.S. § 2425-A.

Registered caregiver retail store: A store licensed under State and local laws that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

Registered dispensary: A dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

Residential Care Facility: A facility that provides residents in need of supervision, assistance with activities of daily living, recreational activities, dietary services, medication administration and nursing services, but do not require skilled nursing care services. Some residential care facilities provide specialized assisted living services including memory care.

Restaurant: A business or commercial establishment which serves food to the public for consumption on the premises and may include the sale of food for consumption off premises. Restaurants serving alcoholic beverages, also referred to as food service establishments FSE-Class A, B, C, and E, must offer full course meals at all times while open, shall not exclude persons under the age of twenty-one (21) from full use of the establishment at all times, and shall not possess a special amusement permit for dancing. Restaurants serving alcoholic beverages that do not satisfy the above provisions shall be deemed to be and regulated as drinking places.

Retail Business: Business establishment for the sale of merchandise to the public.

Service Establishment: Profit and non-profit business whose function it is to provide service to the public.

Setback: The minimum horizontal distance from a lot line to the nearest part of a building.

Sewered: Connected to the municipal sewer system.

Significant Tree: Trees having a diameter at breast height (DBH) of 30 inches or greater, or any trees which are located in shoreland areas (those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal wetland, within 250 feet of the upland edge of a freshwater wetland, or within 75 feet of the high-water line of a stream).

Structure: Anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground.

Two-family Dwelling: A single building containing two separate dwelling units separated by a common wall or on separate levels.

Wholesale Business: Business established for the sale or distribution of products to retail businesses.

Warehousing: The storage of goods, wares and merchandise in a warehouse.

Water Supply Standpipe: A structure associated with municipal utility that is a large water container on top of a tower usually 35 feet or more above ground to store water and to facilitate gravity flow, e.g. water pressure, to customers in buildings in the service area of a municipal water supply utility.

Wireless Telecommunications Facility or Facilities- any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services.

Yard: The area of land on a lot not occupied by the principal building or accessory structure.

Yard, Front: The area of land between the front lot line and the front line of any building, and extending the full width of the lot.

Yard, Side: The area of land between the side lot line and the side line of any building, and extending from the front yard to the rear yard. Any yard area not a front yard or rear yard, shall be deemed a side yard.

Yard, Rear: The area of land between the rear lot line and the rear line of any building, and extending the full width of the lot. A corner lot has no rear yard.

§101.5 LAND USE DISTRICTS

A. Districts and Purposes

To implement the provisions of this Ordinance, the Town of Damariscotta is hereby divided into the following Land Use Districts with the following purposes:

1. General Residential: To preserve the physical, aesthetic, and social quality of Damariscotta's developed residential areas and to provide for areas within the Town for residential growth.

2. Commercial: To provide general retail sales, service, and business space within the Town of Damariscotta in locations capable of conveniently servicing community wide and/or regional trade areas. To preserve the scale character, and economy of the Downtown in accordance with the Comprehensive Plan by implementing a 35,000 square foot size cap on retail development in all commercial districts, effective November 1, 2005
 - a. (C1) Downtown
 - b. (C2) Other Commercial
3. Rural: To allow a maximum diversity of uses, while still maintaining the essential rural character of this area.
4. Wireless Communication: This district is an overlay district within portions of the C2 and Rural districts. All wireless telecommunication facilities are limited to this area. All standards and procedures for permitting these facilities are contained in the Site Review Ordinance.
5. Municipal: To allow a maximum use of the land by the Town of Damariscotta for the purpose of Municipal offices.

The Shoreland area is controlled by the existing Damariscotta Shoreland Zoning Ordinance and shall be considered an "overlay" district. In other words, in the Shoreland areas the Shoreland Use requirements and permit procedures of the Shoreland Ordinance shall be in effect in addition to the requirements of this Land Use Ordinance.

B. MAP

1. The location and boundaries of the above districts are hereby established on the map entitled "Land Use Map of the Town of Damariscotta," dated January 23, 1998, as may be amended from time to time by majority vote at the Annual Town Meeting, certified by the attested or confirmed signature of the Town Clerk. The most updated version of this map shall be on file in the office of the Town Clerk. Said map is hereby incorporated in and made a part of this Chapter and shall be the final authority as to the current status of district locations. Additional printed copies of said maps are also available in the Planning Department.
2. Where uncertainty exists with respect to district boundaries as shown upon such map the following rules shall apply:
 - a. Unless otherwise indicated, district boundary lines are the center lines of roads, streets or rights of way.
 - b. The Official Zoning Map shall be the authority as to the boundaries of zoning districts, except in regard to the Shoreland Zoning Overlay Districts, which are more particularly described in Sec. 105.3.
 - c. Where discrepancy exists between physical features existing on the ground and the Official Zoning Map, the Board of Appeals shall interpret the district boundaries.

C. DISTRICT REGULATIONS

1. SCHEDULE OF LAND USES

Land Use ^{2,6}	District (P=Permitted; C=Conditional) ⁶					
	GR	C1	C2	R	WC	M
Commercial /Service						
Adult business establishments			C			
Art and crafts studios, antique shops and galleries	C	C	C	C		
Automotive Services including repair		C	C			
Boat storage and repair			C			
Contractor's offices and associated facilities			C	C		
Day care centers (more than 12 children under 13 years of age)			C	C		
Day care centers (when accessory to public schools, religious facilities, multi- family or mixed residential developments, and mobile home parks (see note 2))						
Day care facilities, small (3-12 children under 13 years of age)	C	C	C	C		
Drinking places		C	C			

Drive-thru facilities as an accessory use		C	C			
Engineering, management and professional offices and related services		C	C	C		
Equipment dealers and equipment repair			C			
Farmer's market	C	C	C	P		
Financial institutions including banks		C	C			
Formula business			C3			
Gasoline service stations			C			
Gasoline service stations which are a part of and subordinate to a retail use			C			
Hotels, motels, inns		C	C			
Lumber and building materials dealer			C			
Movie theaters except drive-in theaters		C	C			
Neighborhood stores		C	C			
New and used car dealers			C			
Personal Services		C	C			
Places of indoor assembly, amusement or culture		C	C	C		

Recreational vehicle, mobile home dealers			C			
Research and testing laboratories			C	C		
Restaurants		C	C			
Retail stores		C3	C3			
Service stations		C	C			
Veterinary facilities excluding kennels and humane societies			C	C		
Veterinary facilities including kennels and humane societies				C		
Industrial	GR	C1	C2	R	WC	M
Building and construction contractors			C	C		
Commercial solid waste disposal facilities						
Fuel oil dealers and related facilities			C			
Industrial uses (includes assembling, fabricating, finishing, manufacturing, packaging or processing operations, including the processing of raw materials)						
Junkyards and auto graveyards						

Light manufacturing uses (other than industrial uses)			C			
Printing facilities including newspaper publishers and information services			C			
Recycling and reprocessing facilities			C	C		
Warehousing and distribution facilities and self-storage facilities			C			
Wholesale sales			C ³			
Transportation	GR	C1	C2	R	WC	M
Airports or heliports				C		
Parking facilities as a principal use			C	C		
Transit and ground transportation facilities including bus stations			C	C		
Truck wash facilities			C			
Public and Utility	GR	C1	C2	R	WC	M
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C	C	C	C

Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	C	C	C	C	C	C
Solar energy systems (see §109 Solar Energy Systems Ordinance)						
Wireless communication facilities	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴
Institutional	GR	C1	C2	R	WC	M
Academic institutions, including buildings or structures for classroom, administrative, laboratory, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures		C	C			
All medical and medical related facilities ⁸			C			
Cemeteries	C		C	C		C

Civic and social organizations		C	C	C		
Congregate care and independent living facilities, assisted living facilities, institutions or services for the disabled, nursing care facilities, residential care facilities, group care facilities		C	C	C		
Governmental buildings and operations		C	C	C		C
Hospitals, medical clinics			C			P
Municipal buildings and facilities	C	C	C	C	C	C
Museums, libraries, and non-profit art galleries and theaters		C	C			
Religious facilities		C	C			
Residential	GR	C1	C2	R	WC	M
Bed and breakfast establishments	C	C	C	C		
Bed and breakfast establishments as a home occupation	C	C	C	C		
Boardinghouse, rooming house or lodginghouse	C	C	C	C		
Home occupations	C	C	C	C		
In-law or accessory apartments	P ¹	P ¹	P ¹	P ¹		

Mixed residential developments (mixed single-family attached and detached, two-family and multi-family dwellings)	C		C	C		
Mixed single-family residential developments (mixed single-family attached and detached dwellings)	C		C	C		
Mixed use structures (one or more residential units and non-residential space)			C			
Mobile home parks				C		
Mobile homes on individual residential lots	P	P	P	P		
Multifamily dwellings		C	C	C		
Planned unit developments	C	C	C	C		
Single-Family attached dwellings	C	C	C	C		
Single-family detached dwellings on individual residential lots	P	P	P	P		
Two-family dwellings	P	P	P	P		
Natural Resource	GR	C1	C2	R	WC	M
Agriculture		C	C	P		
Community gardens	C		C	C		
Earth material removal				C		

Equestrian facilities				C		
Forest management and timber harvesting activities				P		
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet		C	C	C		
Plant nurseries		C	C	P		
Recreation	GR	C1	C2	R	WC	M
Campgrounds				C		
Commercial outdoor recreation such as playgrounds, facilities associated with boating and kayaking classes and rentals, climbing walls, zip line operations, skateboard parks and similar facilities and activities operated as a business and which require payment of a fee for usage or participation		C	C	C		
Drive-in theaters			C	C		

Fitness and Recreational sports centers		C	C			
Golf courses and related facilities				C		
Public or private facilities for non- intensive outdoor recreation			C	C		
Marijuana-Related	GR	C1	C2	R	WC	M
Home Cultivation of Marijuana	P	P	P	P		
Marijuana cultivation facilities			C ⁵	C ⁵		
Marijuana products manufacturing facilities			C ⁵	C ⁵		
Marijuana stores			C ⁵	C ⁵		
Marijuana testing facilities			C ⁵	C ⁵		
Medical marijuana manufacturing facilities			C	C		
Registered caregiver retail stores			C	C		

Notes:

¹As long as the requirements of Article 9.Q are met, accessory apartments are allowable under a permit from the Code Enforcement Officer (CEO). The CEO may forward an accessory apartment application to the Planning Board for review as a 'Conditional Use Permit' under the Site Plan Review Ordinance. NOTE: Accessory apartments are not allowed in overlay Shoreland Zones.

² Accessory buildings and uses to permitted uses are permitted; accessory buildings and uses to conditional uses are conditional.

³ No outside storage

⁴ Within the bounds of the Wireless Communications District

⁵ Must be located at least 1,000 feet from schools

⁶ A use which is not specifically listed as a permitted or conditional use within this table shall be regulated as a conditional use if the planning board determines that the proposed use is substantially similar to and compatible with permitted or conditional uses in that district.

2. DIMENSIONAL STANDARDS

Dimensional Standard ⁸	Key: DU = Dwelling Unit					
	District ²					
	GR	C1 ^{7,15}	C2 ^{7,14}	R	WC	M
Minimum land area, Sewered	10,000 sf per first principal building or DU, 6,000 sf thereafter	10,000 sf	10,000 sf per first principal building or DU, 6,000 sf thereafter	10,000 sf per first principal building or DU, 6,000 sf thereafter	See note 13	10,000 sf per principal building
Minimum land area, Non-sewered	40,000 sf per DU	N/A	40,000 sf per principal building or DU	80,000 sf per principal building or DU	See note 13	40,000 sf per principal building
Front Setback	20 feet ¹	See note 3.	20 feet ^{1, 12}	20 feet ¹²	See note 12	20 feet
Side Setbacks	15 feet	See note 4,5,6	15 feet ^{9, 12}	15 feet ¹²	See note 12	0 feet
Rear Setback	15 feet	See note 4,5,6	15 feet ^{9, 12}	15 feet ¹²	See note 12	0 feet
Minimum street frontage, Sewered	75 feet	None	100 feet	200 feet	See note 13	200 feet
Minimum street frontage, Non-sewered	100 feet	N/A	100 feet	200 feet	See note 13	200 feet
Maximum building height	35 feet	40 feet	40 feet ¹⁰	35 feet ^{10, 11}	See note 10	40 feet ¹⁰

Notes:

1 Or the average of existing setbacks on abutting properties

2 Or as required by the Shoreland Zoning Ordinance

3 For those lots with existing buildings, front yard setbacks shall be the same or greater than the setback of existing buildings on that lot. If a structure is removed as part of the project, the location of that structure may be considered as an existing building provided the permit for new construction remains valid. For those lots with no existing buildings, the setback shall be the average setback of buildings on abutting properties.

4 If walls adjacent to side lot lines on buildings on both the applicants and adjacent property are of noncombustible construction as defined in this ordinance, the setback from the property lines may be reduced to 0 feet.

5 If the conditions stated in note 4 are not met, then a minimum 10-foot buffer strip to the side or rear lot lines or a 20-foot separation distance to adjacent buildings shall be maintained.

6 Yards abutting other districts shall be at least 15 feet deep and have a landscaped buffer strip.

7 No single retail store whether located in a single building, a combination of buildings, single tenant space, and/or combination of tenant spaces shall exceed 35,000 gross square feet of floor area in the aggregate. This size restriction shall apply to new retail stores and expansion of existing retail stores, effective November 1, 2005.

8 Unless modified by the requirements of § 101.6.

9 Except abutting the Municipal District they shall be 0 feet

10 Maximum 190 feet for wireless communications facilities

11 Water supply standpipes for water supply utilities may be 100 feet above the ground

12 A new or expanded wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back one hundred five percent (105%) of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. The following exemptions apply: i. The setback may be reduced by the Planning Board upon a showing by the applicant that the facility is designed to collapse in a manner that will not harm other property. ii. An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

13 The standards of the underlying district (C2 or Rural) will apply.

14 See § 101.7 for additional performance standards for adult entertainment establishments

15 The parking standards of the Site Plan Review Ordinance as amended for this district shall apply.

§101.6 GENERAL PROVISIONS

A. Conformance

1. All buildings or structures hereinafter erected, altered, enlarged, or moved, and all uses the real property in the Town of Damariscotta shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, land or water area is located. The lawful use of real property existing at the time of the adoption of this Ordinance or any subsequent amendment may be continued as provided in this Ordinance.

a. Non-conforming uses shall be subject to the following provisions:

- i. A non-conforming building or structure may be repaired, maintained, and improved, provided that there is no expansion of the non-conforming use.
- ii. The purchaser of property that is a lawful non-conforming use may continue that use.

111. A non-conforming use may not be enlarged, or extended except as follows:

- a. Expansion shall be limited to 30 % of the existing Building floor area or volume whichever is less building floor area and volume shall be as defined in the Damariscotta Shoreland Zoning Ordinance.
- iv. Whenever a non-conforming use is changed to a permitted use, such use shall not revert to a non-conforming status notwithstanding any other provisions of this Ordinance.
- v. Any non-conforming use shall be presumed extinguished if it is abandoned or not used for a period of one year. The Board of Appeals may find this presumption does not apply because of extenuating circumstances beyond the control of the applicant or undue hardship.

b. Undersized lots shall conform to the following criteria:

- i. A single lot of record, which at adoption of this Ordinance does not meet the area or width requirements, may be built upon provided that such a lot is at least 10,000 square feet in a sewered area of town or 20,000 square feet in other areas of town, adheres to the Maine State Plumbing code as far as sewage disposal is concerned and structures must be in compliance with setbacks and other requirements as designated for the area by this and other ordinances.
11. Except for an approved subdivision, two or more contiguous lots in single ownership at the time of adoption of this Ordinance shall be considered a single parcel.

B. Property Damage

An owner shall not permit any damaged building, structure or other ruins to be left abandoned, but shall remove or repair it within one year of the damage. Owner must secure the property for proper safety, pending removal or repair.

C. Parking Standards

1. Adequate off street parking shall be provided for residents, guests, and employees. Each space shall be a minimum of 9 feet wide by 20 feet long exclusive of drives, aisles, or entrances, fully accessible for the storage or parking of vehicles. At a minimum, the following off-street parking requirements shall be provided and maintained unless it can be demonstrated fewer spaces will be adequate with requiring on-street parking.

One & two family dwellings and mobile homes: 1 per dwelling unit
for other uses, refer to Site Review Ordinance.

D. HUD Code (mobile) Homes

1. Mobile homes shall meet all of the requirements of this Ordinance for a single family dwelling.
2. In the General Residential district, they shall meet the following additional criteria:
 - a. Mobile homes shall be placed on a permanent foundation of concrete or masonry.
 - b. Mobile homes shall have a pitched shingled roof.
 - c. Mobile homes shall have siding compatible with that of a residential character.

E. Mobile Home Parks. Mobile homes parks shall meet all the requirements of the State Regulations.

F. Single Family, Two Family and Multi-Family Dwelling Units

1. Single Family dwelling units.
 - a. Single family dwelling units shall meet all the dimensional requirements for the district therein.
2. Two family dwelling units.
 - a. Lots for two family units shall meet all the dimensional requirements for single family dwelling units, except that the lot area shall be a minimum of 30,000 square feet per dwelling unit for lots that are unsewered and the road frontage shall exceed by 50% the requirements for a single-family dwelling unit.
3. Multi family dwelling units. Multi-family (3 or more) dwelling units shall meet all of the following criteria:
 - a. Lot area shall be equal to the following minimum requirements:
 - i. For lots, other than those in the C2 District, served by a private central collection system, the minimum area for 3 units shall be 60,000 square feet and an additional 10,000 square feet per dwelling unit for each unit thereafter.
 - ii. For lots in the C2 District, the minimum area shall be as specified in Article 5.C.3.b, sewerage. Lots for multi-family dwelling units shall meet all other dimensional requirements for single-family dwellings.
 - b. No building shall contain more than thirty-two (32) dwelling units, except housing for the elderly associated with extended care facilities, which shall contain no more than 45 dwellings.
 - c. Multi family dwelling units shall submit and comply with the requirements of the Damariscotta Site Review Ordinance.

G.Planned Unit Development

1. Purpose. The purpose of these provisions is to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed except that for a planned unit development that is served by public water and sewer, up to one-half of the land area excluded from net residential acreage may be included in calculating permitted residential density.
2. Basic requirements. Planned unit developments and cluster developments shall meet all of the following criteria:
 - a. All planned unit and cluster developments shall meet all requirements for a residential subdivision.
 - b. The minimum area of land in a planned unit development or cluster development shall be 5 acres.
 - i. Any lot abutting a public road shall have a frontage and area no less than normally required in the District. On other than public roads, any individual lot's area and road frontage may be reduced by not more than 50% from the requirements of the district in which the proposed development is located provided that the frontage of lots abutting a circular turn-around may be reduced to 50 feet, provided that the minimum lot width at the face of the building shall be 75 feet.
 - c. In no case shall shore frontage be reduced below the minimum shore frontage normally required in the District.
 - d. Except as provided for in § 101.6.G.c, lots in the planned unit development or cluster development shall meet all other dimensional requirements for the district in which they are located.
 - e. If more than one principal building or accessory structure is located on an individual lot, they shall be separated by a minimum of 10 feet at their closest point unless fire protection codes require a greater separation.
 - f. The setback from any internal property line shall be 20 feet.
 - g. No building shall be located within 50 feet of the overall external perimeter of the planned unit development. This required setback shall be maintained as a vegetated buffer except for road, utility and similar crossings where the development abuts a property in residential use at the time of approval of the development.
 - h. All residential dwelling units shall be sited so that each dwelling unit has a relationship to the common open space.
 - i. At least one-third of the gross acreage of the planned unit development shall be retained as common open space. All common land for recreational or conservation purposes only shall be owned jointly or in common by the owners of the building lots, by a trust or association or by the Town which has as its principal purpose the conservation or preservation of land in essentially its natural condition.

- j. Further subdivision of common land or its use for other than non-commercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational conservation uses may be erected on the common land.

H. Reserved

I. Businesses and Service Establishments shall meet the requirements of the Site Review Ordinance.

J. Campgrounds. The following provisions apply to campgrounds:

1. An applicant for a campground permit must furnish specific information to the Planning Board concerning the campground, including a site plan illustrating the location and design of the sewage disposal and water supply systems, the means of firefighting, and the type and location of roads proposed within the campground as well as other documentation submitted to the State for their Review.
2. In all other regards, the campground shall comply with the provisions of State law governing campgrounds.

K. Professional Offices. In the General Residential District, the following provisions shall apply:

1. Offices shall exist within the conversion of existing buildings without substantial exterior alterations where practical Additions shall be compatible with the existing structure.
2. The maximum number of separate offices shall be three (3).
3. Offices shall comply with Site Review Ordinances.

L. Rooming & Bed and Breakfast Houses. In the General Residential District, the following provisions apply:

1. No parking shall be located within the setback areas.
2. For the purposes of these standards, 2 rooms shall be deemed to be one dwelling unit.
Lot area per dwelling unit shall be equal to the following minimum requirements.
 - a. Sewered 10,000 square feet
 - b. Non-Sewered 20,000 square feet
3. Rooming houses shall meet all other requirements for single family dwellings.
4. One bathroom shall be provided for at least every 2 rooms of rent.
5. Provide one parking space for each unit.
6. Meet requirements of Site Review Ordinance.

M. Outdoor Sale and Storage

1. All outdoor sales and storage shall be stored in a neat and orderly manner.
2. Where this use abuts residential properties, materials shall be screened from ordinary view of occupants of these properties by a suitable fence, wall, or plantings.

N. Corner Lots. In districts where yards are required, buildings located at the intersection of two streets shall meet the front yard requirements of both streets and the rear yard shall meet the side yard requirement of the side street.

O. Conditional Use Standards. Conditional uses shall meet the requirements of the Site Review Ordinance and Shoreland Ordinance, in addition to any specific requirement of this ordinance.

P. Wireless Communication Facilities shall meet all the standards contained in the Site Review Ordinance in addition to the requirements of this ordinance.

Q. Accessory Apartment

1. Purpose: The purpose of accessory apartments is to allow single-family house owners to create a living space for a relative, such as a grandparent, or to rent to another household, thus helping to enable the single-family house owner to remain in her/his home. The house owner may live in the accessory apartment and provide or rent the main house to a relative or another household. The single-family house owner may also use an accessory apartment to rent for additional income.
2. Regulations:
 - a. The house owner must reside in either the main house or the accessory apartment.
 - b. An accessory apartment may be created in one of the following ways:
 - i. by using space within an existing detached single-family dwelling;
 - ii. by building an addition onto an existing detached single-family dwelling such that the addition is made part of the principal dwelling;
 - iii. by using space within an existing or proposed accessory structure (to a detached single-family structure) that is within 50 feet of the single family dwelling;
 - iv. buildings existing prior to November 8, 2016 that are greater than 50 feet from the single family dwelling may be used for an accessory apartment provided no additions are added to the existing structure;
 - v. new construction as part of a new single-family house.
 - c. For the purposes of this section, the accessory apartment shall not be considered to be a second dwelling unit for determining the required minimum lot area, or net residential density.
 - d. Accessory apartments shall be part of, or accessory to, a single-family house and cannot be sold as a condominium dwelling.
 - e. Accessory apartments may only be converted to a duplex unit under separate (condominium) ownership or (for those accessory apartments in a detached accessory building such as a garage) into a separately owned single-family dwelling only if all the density and dimensional requirements for a duplex or a single-family dwelling are met for both the original dwelling and the newly created dwelling.
 - f. If the single-family dwelling -unit is already connected to a public sewer system, both the single family dwelling and the new accessory apartment must be connected to the public sewer system. If the lot is served by on-site subsurface sewage disposal, the owner must demonstrate to the Town Plumbing Inspector that the use conforms to the State of Maine Minimum Lot Size law and that the sewage disposal system(s) for both the single family dwelling and the accessory apartment complies with the Maine Subsurface Wastewater Disposal rules.
 - g. In all cases, the accessory apartment shall be no larger than 40% of the finished and heated portion of the single-family house, or more than 650 square feet, whichever is less; and be no smaller in area than 320 square feet, and have no more than two bedrooms.

- h. Any exterior alteration of the single family dwelling or accessory buildings or construction of an accessory building shall preserve the single family appearance, architectural style, and character of the original structure and shall be in harmony with the general appearance of the neighborhood. Any alteration shall preserve the front entrance of the original structure to preserve the single family character. A separate entrance for the accessory apartment may be created but shall be clearly secondary to the main entrance, such as but not limited to an entrance that is setback further from the road than the primary entrance.
- i. At least one off-street parking space shall be available to the occupants of the accessory apartment. The visual impact on abutting residences from the accessory apartment parking area shall be minimized. Suggested aesthetic screening materials may include landscaping, vegetative buffering, wall or fence screening.

R. Limit on Home Cultivation of Marijuana.

No person shall be permitted to cultivate marijuana plants or seedlings on a parcel or tract on which he or she is not domiciled.

S. Limit on Location of Marijuana Establishments.

A marijuana establishment may not be permitted or operated within 1000 feet of a public or private educational facility including but not limited to child care facility, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school.

T. Limit on Location of Medical Marijuana Establishments

A medical marijuana establishment may not be permitted or operated within 1000 feet of a public or private educational facility including but not limited to child care facility, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school.

§101.7 ADULT ENTERTAINMENT ESTABLISHMENT DEFINITIONS AND STANDARDS:

A. DEFINITIONS:

Adult amusement store means the same as ADULT BOOKSTORE.

Adult arcade means any place to which the public is permitted or invited wherein coin operated or slug-operated or anatomical areas."

Adult bookstore or adult video store means a commercial establishment that utilizes at least 15% of the establishment's floor space for display, sale, or rental, for consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas;" or instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

Adult cabaret means a nightclub, bar, restaurant, cafe, or similar commercial establishment that regularly, commonly, habitually, or consistently features:

- i. persons who appear in a state of semi-nudity; or
- ii. live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- iii. films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- iv. persons who engage in "exotic" or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult entertainment establishment means the operation of adult amusement stores, adult video stores, adult bookstores, adult novelty stores, adult motion picture theaters, on-site video screening establishments, adult arcades, adult entertainment nightclubs or bars, adult spas, establishments featuring strippers or erotic dancers, escort agencies or other sexually oriented businesses.

Adult entertainment nightclub or bar means the same as ADULT CABARET.

Adult motel means a hotel, motel or similar establishment that:

- a. offers accommodations to the commercial public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
- b. offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or
- c. allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than twenty-four (24) hours.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult novelty store means the same as ADULT BOOKSTORE.

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult video store means the same as ADULT BOOKSTORE.

Employee means a person who performs any service on the premises of an adult entertainment establishment on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishment means and includes any of the following:

- a. the opening or commencement of any adult entertainment establishment as a new business;
- b. the conversion of an existing business, whether or not an adult entertainment establishment, to any adult entertainment establishment;
- c. the additions of any adult entertainment establishment to any other existing adult entertainment establishment; or
- d. the relocation of any adult entertainment establishment; or
- e. an adult entertainment establishment or premises on which the adult entertainment establishment is located.

Establishments featuring strippers or erotic dancers means the same as ADULT CABARET.

Nude model studies means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

Nudity or state of nudity means the appearance of a human anus, pubic area, male genitals, or female genitals with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

On-site video screening establishment means the same as ADULT ARCADE.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Premises means the real property upon which the adult entertainment establishment is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the adult entertainment establishment, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the owner or operator of the adult entertainment establishment.

Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- a. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b. activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. A principal business purpose exists if the services offered are intended to generate business income.

Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Specified anatomical areas means:

- a. the human male genitals in a discernibly turgid state, even if fully and opaquely covered;
- b. less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

Specified sexual activities means and includes any of the following:

- a. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;
- b. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. masturbation, actual or simulated; or
- d. excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

Substantial enlargement of an adult entertainment establishment means the increase in floor areas occupied by the business by more than twenty-five (25%) percent, as the floor areas existed on the date of enactment of this ordinance

B. STANDARDS:

Adult Entertainment Establishments shall meet all of the standards contained in the Land Use Ordinance, Conditional Use Standards, and Site Review Ordinance as applicable, and Additional Standards specific to Adult Entertainment Establishments as set forth below:

1. Purpose.

It is the purpose of this ordinance to regulate adult entertainment establishments and related activities to promote the health, safety, and general welfare of the citizens of the municipality, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment establishments within the Town of Damariscotta. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

The Town hereby finds that adult amusement stores in communities in Maine and elsewhere are associated with a wide variety of deleterious secondary effects including, without limitation,

personal and property crimes, prostitution, potential spread of disease, public lewdness and indecency, obscenity, illicit drug use and trafficking, negative impacts on the condition and value of closely-situated surrounding properties, urban blight, litter, and sexual assault and exploitation. The location of adult amusement stores in proximity to residences, schools, daycares, places of worship, recreational and other public parks, liquor licensees, and other incompatible land uses are of particular concern. These findings are supported by research and studies by municipalities and others across the Nation, reflected in a substantial published literature on the subject, including materials provided by Town Counsel for the Legislative body's review and consideration, which materials are incorporated herein by reference as part of the record of the adoption of the following regulations for adult amusement stores.

The Town further finds that preventing the deleterious secondary effects associated with adult amusement stores through the adoption of content-neutral regulations of the times, places, and manner in which such establishments may be operated falls within the Town of Damariscotta's inherent police power as a municipal corporation and subdivision of the State of Maine, and its home rule authority granted by the Legislature pursuant to Title 30-A, Maine Revised Statutes, Section 3001, and serves the substantial governmental interest in preventing such deleterious effects. Finally, the proposed regulation is intended to be no greater than is necessary to achieve the purpose of preventing the deleterious secondary effects associated with adult amusement stores, and to allow for reasonable locations in the Town for such establishments.

2. Location Restrictions. Adult entertainment establishments shall be a conditional use in accordance with Article V of the Town of Damariscotta Land Use Ordinance Section C and also provided that:
 - a. The adult entertainment establishment may not be permitted or operated within:
 - i. 1,500 feet of a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - ii. 1,500 feet of a public or private educational facility including but not limited to child care facility, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education school, junior colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school;
 - iii. 1,500 feet of a public park or recreational area or private recreational facility which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, skating rink, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Town which is under the control, operation, or management of the Town park and recreation authorities or a private entity;
 - iv. 1,500 feet of another adult entertainment establishment.
 - b. An adult entertainment establishment may not be operated in the same building, structure, or portion thereof, containing another adult entertainment establishment.
 - c. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or

- structure used as a part of the premises where an adult entertainment establishment is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected recreational facility or licensed child care facility.
- d. For purposes of subsection (C) of this section, the distance between any two adult entertainment establishment uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
3. Adult Entertainment Establishment Signage.
- a. All signs shall be in accordance with any Ordinances or Regulations of the Town of Damariscotta relative to Signs.
 - b. Notwithstanding anything to the contrary, an Adult Entertainment Establishment shall not be permitted more than one (1) sign advertising its business, which shall be an on-premise free-standing or attached wall sign only. No such sign shall:
 - i. Be placed in any window, except that one sign no larger than one (1) sq. ft. may be placed on the door to state only the store's hours of operation and that admittance is for adults only;
 - ii. Be neon or internally-illuminated or contain any flashing lights, moving elements, or mechanically changing messages;
 - iii. Contain any depiction of the human form or any part thereof, whether by photograph, painting, drawing, silhouette, or pictorial representation;
 - iv. Contain any sexually explicit or suggestive language such as "nude dancing";
 - v. Be located off-site;
 - vi. Have more than two display surfaces; or;
 - vii. Exceed twenty (20) sq. ft.
 - c. Any sign located on the premises of a multi-unit commercial center such as a shopping center or plaza and identifying one or more of the businesses that comprise the center shall also comply with this subsection if such sign identifies an Adult Entertainment Establishment on the premises.
4. Amortization of Existing Adult Entertainment Establishments.
- a. Any Adult Entertainment Establishment lawfully operating upon the adoption of this Ordinance that is in violation of this Ordinance shall be deemed to be a nonconforming use. This nonconforming use shall be permitted to continue for a period of twenty-four (24) months from the effective date of this Ordinance, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming use may not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use.
 - b. An Adult Entertainment Establishment lawfully operating as a conforming use as of the effective date of this ordinance, shall not be rendered a nonconforming use by the subsequent location of a church, synagogue, or other house of religious worship, public or private elementary or secondary school, recreational facility, or municipal facility, within the distance limitations of this ordinance.
5. Conflicts. Notwithstanding the foregoing, if there is any conflict between this Section 12 and other Damariscotta Codes and Ordinances, the more stringent provisions shall apply.
6. Severability. If any section, phrase, sentence, or portion of this Section 12 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 thereof.

7. Retroactivity. The provisions set forth in this Section shall be effective, to the maximum extent permitted by law but subject to the severance clause herein, and shall be applied to all proceedings or applications not pending, and business activities not commenced, established, located or operating within the Town, as of August 20, 2014.

§101.8 ADMINISTRATION

A. Jurisdictions

1. The Board of Selectmen shall administer and enforce the provisions of this Ordinance and coordinate all actions of the Code Enforcement Officer, the Planning Board and Board of Appeals to maintain a documented trail of their actions on matters reviewed by them to substantiate proof for legal review.

B. Administration

1. The Board of Selectmen shall annually, following the Town Meeting appoint a Code Enforcement Officer.

C. Powers and Duties of the Code Enforcement Officer

1. The Code Enforcement Officer (CEO) shall have the following duties:
 - a. Examine preliminary plans
 - b. Act upon building permit applications received by the Town Office.
 - c. Refer permits requiring Site Review, Conditional Use, Flood and Shoreland approved to the Planning Board as required.
 - d. Inspect sites where building permits have been issued to insure compliance with this Ordinance.
 - e. Investigate complaints and report violations.
 - f. Keep written inspection reports and thorough records stored in the Town Office.
 - g. Issue violation notices.
 - h. Appear in court when necessary.
 - i. Offer advice upon request.
 - j. Participated in appeals procedures.
 - k. All powers conferred by state statute.
2. When there is a question concerning interpretation of this Ordinance, the Code Enforcement Officer shall refer to the Board of Appeals for interpretation.

D. Violations

1. If the Code Enforcement Officer believes a violation of this Ordinance has occurred, he shall notify by certified mail the person(s) responsible for such violations indicating the nature of the violation and ordering the necessary action to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, or of any unpermitted additions, alterations, of structural changes thereto; or discontinuance of any illegal activity.

E. Fines

1. Any person, firm, or corporation violating a provision of this Ordinance shall be fined not more than \$100.00 for each day such violation exists. All fines shall inure to the benefit of the Town of Damariscotta

F. Building Permits

1. **Applicability.** The provisions of this section apply to all structure(s) constructed, reconstructed, enlarged, relocated or moved in the Town of Damariscotta. This Ordinance does not require permits for maintenance and repair, or for accessory structure(s) or addition(s) of less than 100 square feet. Except that, all accessory structure(s) or addition(s) of less than 100 square feet within the Shoreland Zone shall obtain permits.

The provisions of this Section shall apply to any change in ownership of any commercial enterprise within the Town of Damariscotta.

2. **Permits Required.** The owner of the property shall obtain a permit issued by the Code Enforcement Officer for all structure(s) constructed, reconstructed, enlarged, relocated in or moved to the Town of Damariscotta, prior to the fact.
 - a. **Application.** The application for the permit shall be in writing on a form available from the Municipal Office, and shall contain:
 - i. a description of any structure(s) prior to their construction, reconstruction, enlargement, or relocation in or movement to the Town of Damariscotta is contemplated;
 - ii. a description of the establishment of any commercial business in the Town of Damariscotta or change in a business establishment, regardless of the size of the floor area;

Each application shall contain a drawing of the structure(s) and a plan of the site shall accompany the application. The drawing shall include project dimensions, distances to property lines, names of abutters, roads, streets and bodies of water, location of sewer disposal and water supply. When required by the State Plumbing Code, the Code Enforcement Officer shall require evidence of adequate capacity of the septic system to support the structure(s) contemplated.

- c. **Permit Approval.** The Code Enforcement Officer, after receipt of the application, shall either issue the requested permit or transmit notice of refusal to the applicant within a reasonable time, not to exceed five (5) working days for residential applicants, and fifteen (15) working days for commercial applicants. The application shall be approved if all relevant ordinance requirements have been met. Notice of any refusal shall be in writing and shall state the reason therefore. All other permits required for the proposal shall be obtained prior to issuance of the permit.
- d. **Modifications.** Any modifications to the description, drawing, or site plan required in Section 6 (a) of the proposed structure(s) shall require a revised permit application and a permit prior to beginning the work.
- e. **Appeals.** An appeal to the Board of Appeals may be taken from an order issued by the Code Enforcement Officer or from his refusal to grant a permit. Such appeal shall be filed within thirty (30) days of the date of the order being appealed, accompanied by a \$50.00 fee to cover the cost of appeal. The board may reverse the decision, or failure to act, of the Code Enforcement Officer only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance or unsupported by weight of the evidence in the record.
- f. **Duration of Permit.** All building permits shall be void unless there is substantial completion of the project within three (3) years of the date of the permit. Construction

authorized by a permit and which is not completed within three (3) years of the effective date of the permit shall not continue until another permit is obtained.

- g. Conditional Use Permit. In cases where the CEO believes that a Conditional Use Permit is required, the CEO shall also provide a copy of his decision to the Planning Board.
 - h. Records. Applications for permits with their accompanying plans and Building Permits shall be maintained as a permanent record by the Municipal Officers and the Code Enforcement Officer.
 - i. Other Permits. Where plumbing or septic work is required to make a building habitable, no Building Permit shall be issued unless a Plumbing Permit has been previously obtained. All sewerage and water connections and systems must comply with the regulations of the Maine State Plumbing Code.
- 3. Fees. Fees shall be as described on the Town of Damariscotta Fee Schedule, as may be amended from time to time at Town Meeting.
 - 4. Proof of Compliance. No building shall be occupied after its construction, reconstruction, enlargement, or relocation in or movement to the Town of Damariscotta until a Certificate of Occupancy has been issued by the Code Enforcement Officer. The Code Enforcement Officer shall issue said Certificate after proper examination shows that all work performed is in compliance with the provisions of all State and Local codes.

§101.9 APPEALS AND CONDITIONAL USES

A. Authority

- 1. All Appeals or applications for conditional Use Permits shall be based upon a written decision of the Code Enforcement Officer or the Planning Board.
- 2. Board of Appeals Authorization:
 - a. The Board of Appeals as established in the Town of Damariscotta Board of Appeals Ordinance shall hear and decide applications for variances and appeals in accordance with State law and the provisions of that Ordinance.
 - b. The Planning Board shall hear and approve, approve with modifications or conditions, or deny an application for a Conditional Use Permit. A Conditional Use Permit shall not be issued unless specific provision for such conditional Use is made in this Ordinance.
 - c. On request of the Board of Appeals, the Planning Board shall prepare an informational report on pending requests for a variance.

B. Procedure

1. Application

- a. These procedures and limitations apply to all appeals and requests for variances or conditional use permits. In all cases, a person aggrieved by a decision shall commence his appeal within 30 days after that decision is made. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and shall specifically set forth the grounds for the appeal.
- b. A person informed by the Code Enforcement Officer that he requires a Conditional Use Permit shall file an application for the Permit with the Planning Board on forms provided by the Town of Damariscotta. In order to describe the conditions adequately the applicant may be requested by the Code Enforcement Officer or the Planning Board to supply the following information.
 - i. Detailed information to demonstrate compliance with the applicable standards or criteria.
 - ii. Plans showing location of new and existing buildings, parking areas, traffic access, driveways, landscaping, open spaces.

2. Notification

- a. Publication: Within 30 days of the filing of an appeal or application for a variance, the Board of Appeals shall hold a public hearing in accordance with Section 4.D of the Board of Appeals Ordinance. The Board shall notify the Code Enforcement Officer and, in the case of an appeal, the Planning Board, at least 20 days in advance, of the time and place of the hearing. It shall publish notice of the hearing at least 10 days in advance of it in a newspaper of general circulation in the county.
- b. Notification of abutters: The Board of Appeals shall notify by certified mail, the appellant or applicant at least 10 days in advance of the hearing. The appellant or applicant shall be responsible for notifying all abutting property owners and owners of property within 500 feet of the property involved (even if the property is on the other side of the road) of the nature of the hearing and the time and place of the hearing. For the purpose of this section, abutting property owners shall include properties directly across a street from the property involved.
- c. The owners of property shall be determined on the basis of town tax records. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

3. Hearing:

- a. At any hearing, a party may be represented by agent or attorney. Hearings may be continued for good cause.
- b. The Code Enforcement Officer shall attend all hearings and may present to the Board all plans, photographs, or other material he deems appropriate for an understanding of the appeal.
- c. The hearing shall proceed according to the By-Laws of the Board of Appeals.

4. Decision:

- a. A decision shall require an affirmative vote of a majority of the members in accordance with Section 3 of the Board of Appeals Ordinance.
- b. The Board of Appeals shall reach a decision at the initial or continued public hearing and shall inform, in writing, the appellant or applicant, the Code Enforcement Officer, the Planning Board (on appeals) and the Municipal Officers of its decision with the conditions of the approval, or reasons for its denial.
- c. Upon notification of the decision of the Board of Appeals, the Code Enforcement Officer, as instructed, shall immediately issue or deny a permit, with or without conditions, as prescribed by the Board of Appeals.

C. Standards

1. Variance

- a. A variance may be granted in accordance with Title 30-A Section 4353 by the Board of Appeals only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words "undue hardship" as used are defined in accordance with Title 30-A Section 4353.
- b. A variance is not justified unless all elements are present in the case.

As used in this Ordinance, a variance is authorized only for height, area, parking requirements and size of structures or size of yards or open spaces. Establishment of a use otherwise prohibited shall not be allowed by a variance. Financial hardship shall not constitute grounds for granting a variance.

- c. Variances for dimensions are not allowed within the Shoreland Zone.

2. Conditional Uses:

- a. The Planning Board may grant a conditional use upon presentation by the applicant of proof of the following:
 - i. Certain Requirements Met: That the use requested meets the requirements of this Ordinance as set forth in Articles 1 through 8 and the requirements for the Damariscotta Site Review Ordinance.
 - ii. Effect not adverse: That the use requested will not have an adverse effect on the health, safety, or general welfare of the residents of the area or the general public. In making this determination, the Planning Board shall take into consideration the potential effect of the use on the environment from air, water, or soil pollution, noise, traffic, congestion, soil erosion, the burden on the sewage disposal, or water supply systems or other municipal facilities, services, or public ways, and any other relevant factors as set forth in Articles 1 through 8.
 - iii. Conditions attached to Conditional Uses: The Planning Board may attach such conditions as necessary to ensure that the above requirements are met.

§101.10 SEVERABILITY

Should any section or provision of this ordinance be declared by the Courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

§101.11 CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or in any other way impair the necessity of compliance with any other rule, regulation, bylaw or provision of the Federal, State or local government including Damariscotta's Shoreland Zoning Ordinance. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures than the State or Federal regulations, this Ordinance shall control.

§101.12 AMENDMENTS

1. All changes and amendments to this Ordinance must be made at a regular or special Town Meeting of Damariscotta, by a majority of the governing body.
2. All changes and amendments to this Ordinance must first be presented to the Planning Board for a public hearing thereon. Notice of the hearing before the Board shall be made in at least one newspaper of general circulation in the area twice, the date of the first publication must be at least 12 days before the hearing and the date of the second publication must be at least 7 days before the hearing, with said published notice including a small map of the area to be affected, as required by 30-A M.R.S.A § 4352(9) as may be amended.
3. When a proposed change will impact only a specific geographic area within the municipality, mailed notice also shall be made to all property owners impacted by the proposed change. This mailed notice shall follow the procedures required by 30-A M.R.S.A § 4352(10) as may be amended.

§101.13 EFFECTIVE DATE

The effective date of this Ordinance is 1 April 1998 and revisions as of 2/23/2002, 6/12/2002, 7/10/2002, 12/4/03, 11/10/04, 3/21/06 6/11/08, 1/21/09, 3/18/15, 3/10/15 and June 15, 2016.

Revised 11/05/2019, effective 01/06/2020 - Medical and Adult-Use Marijuana

Revised 06/15/2022, effective 06/16/2022 -Definitions, permitted & conditional uses, formula based businesses

§101.14: REPEAL OF EXISTING ORDINANCES:

The enactment of this ordinance hereby amends the Land Use Ordinance of November 16, 2016.

Legislative History:

Revised 3/23/98

Revised 2/23/2000: Article 2 - Definition of Light Manufacturing and Article 3. C.2.b Other Commercial (C2)

Revised June 12, 2002: Wireless Communication

Revised July 10, 2002

Revised December 4, 2003: Article 10 - Building Permits, Article 3 - Districts, Article 5- Commercial Districts, Article 8- Municipal District; renumbered several sections for clarity. Revised November 10, 2004: Article 9 F (3)

Revised March 21, 2006: Article 5-Commercial Districts A; 8(3)3; C(3); Article 9-General Provisions F(3)

a.I.a & b

Revised June 11, 2008 - Revisions to Board of Appeals: Article 11

Revised January 21, 2009 - Revisions to Article 6 - Rural district and Article 2 - Definitions

Revised March 18, 2015-Revisions to -Adult Entertainment, Article 5(C)(2) Conditional Uses, Article 5(C)(3) Standards, Article 12 Adult Entertainment Establishment Definitions and Standards Revised June 10, 2015: Art. 3.C.2.b - Change to Comm. C2 boundary near Biscay Rd.

Revised June 15, 2016: Art. 3.C.2.b - Change from Rural to C2 District, Lots 1/67 & 3/32


Revised November 16, 2016: Art. 2, 4, 5, 6, 9 - insert Accessory Apartment Ordinance

Revised November 5, 2019 - effective January 6, 2020 - Medical and Adult-Use Marijuana & edibles

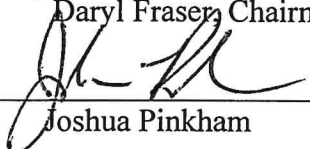
Revised June 15, 2022: §101.4 Definitions, §101.6.D.1 Update Uses in Land Use Table, Add Formula Businesses, §101.6.D.2 Increase GR and R Residential Density, §101.6.G Expand Provisions for PUDs

Revised February 15, 2023: §101.4 Definitions: to add definition for Significant Tree, Update Land Use Table to be in alphabetical order, removed Appendix A, updated typographical errors in Sec. 101.6.F

SELECT BOARD:

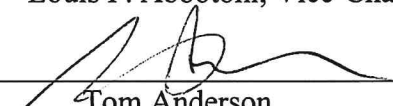


Daryl Fraser, Chairman



Joshua Pinkham

Louis F. Abbotoni, Vice-Chairman




Tom Anderson

Andrea Keushguerian

Damariscotta Select Board

Attest: A true copy of an ordinance entitled "Land Use Ordinance Damariscotta Maine", as certified by me to the Municipal Officers of Damariscotta, Maine on June 19, 2023.



Rebecca J. Bartolotta, Town Clerk
Damariscotta, Maine

A certified copy of this Ordinance shall be filed with the Municipal Clerk 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 availability of this Ordinance shall be posted.

