

## Section 400 Definitions

**Aquaculture:** The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Automobile Gas Station:** Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; and as an accessory use the sale of lubricants, tires, batteries, and similar vehicle accessories. The sale of additional items or services on the same site must also be allowed by the applicable zoning districts.

**Automobile Sales:** The use of any building, land area, or other premise principally for the display, sale, rental, or lease of new or used automobiles (but may include light trucks or vans, trailers, watercraft, or recreational vehicles), and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

**Code Enforcement Officer (CEO):** A Code Enforcement Officer (CEO) is defined under 30-A M.R.S. § 4451 as a person employed by a municipality to enforce all enabling state laws and local ordinances in the following areas: shoreland zoning, land use regulation, internal plumbing, subsurface wastewater disposal, and building standards. CEOs must be certified in each area for which they have responsibility.

**Functionally Water-Dependent Uses:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. These uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas. Navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage facilities are not considered to be a functionally water-dependent use. All functionally water-dependent uses shall meet all applicable dimensional and frontage standards in accordance with the underlying zoning district in which they are located.

**Home Occupation, Minor:** An occupation or profession which is secondary to the dwelling use for living purposes, does not change the character thereof and is wholly occupied within the principle or accessory structure. A home occupation, minor shall not utilize more than twenty percent (20%) of the total floor area of the dwelling unit in which it is located. It shall be managed by a member of the family residing within the dwelling unit, with a maximum of two (2) employees on premises who do not reside in the dwelling unit employed. The occupation or office must be wholly located within the principle or accessory structure. A home occupation, minor requires review and approval by the Code Enforcement Officer.

**Home Occupation, Major:** An occupation or profession which is secondary to the dwelling use for living purposes, does not change the character thereof and is wholly occupied within the principle or accessory structure. A home occupation, major shall not utilize more than fifty (50%) of the total floor area of the dwelling unit in which it is located. There shall be no more than five (5) persons on premises, inclusive of residents, employed by the home occupation. The occupation or office must be wholly located within the principle or accessory structure. A home occupation, major requires review and approval by the Planning Board.

**Light Manufacturing:**

The manufacturing of products, the process of which does not create and emit fumes, gases, smokes, vapors, vibrations, noise or glare or other factors which are regarded as nuisances which would cause adverse effects to the users of adjacent land.

**Lumber Yard:** An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

**Marine Sales and Services:** A building or structure where boats, motors, and trailers may be kept for sale to the general public. As well, watercraft and accessories for boating in general are for sale to the public. Repairs, reconditioning, and maintenance to watercrafts may also be carried out in such a building or structure.

**Sawmill:** A facility where logs are cut into boards or timbers; a mill or machine for sawing logs or producing firewood that is in operation commercially.

**Small Engine Repair:** A commercial use that involves the maintenance and repair of low-power internal combustion engines or low-power electric engines, including but not limited to, chainsaws, trimmers, leaf blowers, lawn mowers, and wood chippers, but excludes an automobile repair shop.

**Veterinary Clinic:** Any facility providing medical or surgical treatment, clipping, bathing, and similar services to dogs, cats, and other small animals, but excluding boarding or the keeping of animals on the premises other than those requiring emergency treatment or those recovering from anesthetic.

## Section 504 Zoning Districts

### 1. Rural Zone.

#### a. Purpose.

Limited Residential Area. Home occupations and commercial activities in the rural zone are grandfathered for their present use. Forestry, agricultural activities and residential uses except for mobile home parks are allowed in the rural zone. Excessive growth and sprawl should be discouraged in the rural zone.

#### b. Permitted Uses.

1. Accessory Apartment
2. Agriculture
3. Boarding Stable
4. Cemetery
5. Commercial Tower
6. Community Living Facility
7. Condominium
8. Contractor's Yard
9. Day Care Facility
10. Duplex
11. Essential Services
12. Home Occupation
13. Individual Private Campsite
14. Manufactured Housing
15. Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
16. Mobile Home
17. Multi-family Dwelling
18. Municipal Facility
19. Place of Worship
20. Public Facility
21. Residential Dwelling Unit
22. School
23. Seasonal Dwelling
24. Solar Energy System, Accessory

- 25. Solar Farm, Medium
- 26. Solar Farm, Large
- 27. Timber Harvesting
- 28. Yard Sale

c. Prohibited Uses

- 1. All uses not specifically noted as permitted in Section 504.1.b. are prohibited. In addition, any uses prohibited in the Naples Shoreland Zoning Ordinance are not permitted in the Rural Zone District if the use is also located within the Shoreland Zoning Overlay District.

d. Dimensional Standards.

- 1. Minimum Lot Size: 40,000 sq ft
- 2. Net residential density:
  - 1. Duplex Dwelling: 30,000 sq ft per dwelling unit

c. Multi-family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads)

d. Minimum Road Frontage: 100 ft

4. Setbacks:

- a. Minimum Front Setback measured from the right-of-way: 20 ft
- b. Minimum Side and Rear Setback: 20 ft

5. Maximum Height: 55 ft

- 6. Back Lots – does not apply to subdivisions approved after 1986
  - a. Access via Right-of-Way: 20 ft minimum in width
  - b. Minimum Setbacks: 20 ft
  - c. Maximum Height: 55 ft

e. District Standards.

- 1. [Reserved]

2. Critical Rural Zone

a. Purpose.

Conservation land and easements, parks, critical habitat areas, significant wetlands and stream protection areas, lake and stream setbacks as shown on Shoreland Zoning Map, State of Maine Critical Wildlife Area Map, 100-year Floodplain Map (F.E.M.A.), National Wetlands Inventory Map, State, Regional and Local Public Land Trust Maps: this area shall remain undeveloped and not allow residential or commercial uses except for non-profit non-residential facilities. Campgrounds are prohibited in the Critical Rural zoning district.

b. Permitted Uses.

1. Essential Services
2. Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
3. Municipal Facility
4. Place of Worship
5. Timber Harvesting

c. Prohibited Uses

1. All uses not specifically noted as permitted in Section 504.2.b. are prohibited. In addition, any uses prohibited in the Naples Shoreland Zoning Ordinance are not permitted in the Critical Rural Zone District if the use is also located within the Shoreland Zoning Overlay District.

d. Dimensional Standards.

1. Minimum Lot Size: 60,000 sq ft
2. Minimum Road Frontage: 100 ft
3. Setbacks:
  - a. Minimum Front Setback measured from the right-of-way  
20 ft
  - b. Minimum Side and Rear Setback: 20 ft
4. Maximum Height: 55 ft
5. Back Lots – does not apply to subdivisions approved after 1986
  - a. Access via Right-of-Way: 20 ft minimum in width
  - b. Minimum Setbacks: 20 ft
  - c. Maximum Height: 55 ft

e. District Standards.

1. [Reserved]

### 3. Commercial Zone

#### a. Purpose.

The area where future commercial development outside of the village district shall take place. Residential use, except for mobile home parks, will be allowed in the Commercial zoning district. All commercial uses or services must meet the land area of the minimum lot size for a single-family residence.

#### b. Permitted Uses.

1. Accessory Apartment
2. Adult Entertainment Establishment (subject to the provisions of Section 601)
3. Agriculture
4. Amusement Facility
5. Automobile Sales
6. Automotive Repair Services and Garages
7. Bed and Breakfast
8. Boarding and Lodging Facility
9. Boarding Stable
10. Campground
11. Cemetery
13. Commercial School
14. Commercial Tower
15. Community Garden
16. Community Living Facility
17. Condominium
18. Contractor's Yard
19. Convalescent or Rest Home
20. Day Care Facility
21. Drive-through Facility
22. Duplex
23. Essential Services
24. Flea Market
25. Home Occupation
26. Hotel
27. Individual Private Campsite
28. Library

29. Light Manufacturing (subject to the limitations set forth in Section 508)
30. Lumber Yard
31. Kennel
32. Manufactured Housing
33. Marina
34. Marine Sales and Service
35. Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
36. Mobile Home
37. Mobile Vendor
38. Multi-family Dwelling
39. Municipal Facility
40. Museum
41. Nursing Home
42. Personal Services
43. Place of Worship
44. Private Utility Substation
45. Professional Office
46. Public Facility
47. Recreational Facility, Indoor
48. Recreational Facility, Outdoor
49. Recreational Facility, Public
50. Residential Dwelling Unit
51. Residential Institution
52. Restaurant
53. Retail Use
54. Sanitary Facilities
55. Sawmill
56. School
57. Seasonal Dwelling
58. Service Business
59. Small Engine Repair
60. Solar Energy System, Accessory
61. Solar Farm, Medium
62. Solar Farm, Large

- 63. Timber Harvesting
- 64. Veterinary Clinic
- 65. Wholesale Sales
- 66. Yard Sale

c. Prohibited Uses

- 1. All uses not specifically noted as permitted in Section 504.3.b. are prohibited. In addition, any uses prohibited in the Naples Shoreland Zoning Ordinance are not permitted in the Commercial Zone District if the use is also located within the Shoreland Zoning Overlay District.

d. Dimensional Standards.

- 1. Minimum Lot Size: 40,000 sq ft
- 2. Net residential density:
  - a. Duplex Dwelling: 30,000 sq ft per dwelling unit
  - b. Multi-family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads)
- 3. Minimum Road Frontage: 100 ft
- 4. Setbacks:
  - a. Minimum Front Setback measured from the right-of-way: 20 ft
  - b. Minimum Side and Rear Setback: 20 ft
- 5. Maximum Height: 55 ft
- 6. Back Lots – does not apply to subdivisions approved after 1986
  - a. Access via Right-of-Way: 20 ft minimum in width
  - b. Minimum Setbacks: 20 ft
  - c. Maximum Height: 55 ft

e. District Standards

- 1. When the installation of a sidewalk is not practical at the time of application, the applicant may enter into an agreement with the Town opting to escrow the total cost of materials and installation in the name of the Town of Naples and as agreed to by the Road Commissioner. Escrowed funds would then be used at the Town's discretion for a future sidewalk installation when and where it may be more practical for the Town's needs. The agreement and escrow would satisfy the sidewalk construction requirement for development application approval.



4. Residential Growth Zone.

a. Purpose.

The area of the town where residential growth shall be encouraged. The area will allow all types of residential development including mobile home parks.

b. Permitted Uses.

1. Accessory Apartment
2. Agriculture
3. Bed and Breakfast
4. Boarding and Lodging Facility
5. Cemetery
6. Commercial Tower
7. Community Living Facility
8. Community Garden
9. Condominium
10. Convalescent or Rest Home
11. Day Care Facility
12. Duplex
13. Essential Services
14. Home Occupation
15. Individual Private Campsite
16. Library
17. Manufactured Housing
18. Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
19. Mobile Home
20. Mobile Home Park
21. Multi-family Dwelling
22. Municipal Facility
23. Museum
24. Nursing Home
25. Place of Worship
26. Public Facility
27. Residential Dwelling Unit

28. Residential Institution
29. School
30. Seasonal Dwelling
31. Solar Energy System, Accessory
32. Timber Harvesting
33. Yard Sale

c. Prohibited Uses

1. All uses not specifically noted as permitted in Section 504.4.b. are prohibited. In addition, any uses prohibited in the Naples Shoreland Zoning Ordinance are not permitted in the Residential Zone District if the use is also located within the Shoreland Zoning Overlay District.

d. Dimensional Standards.

1. Minimum Lot Size: 40,000 sq ft
2. Net residential density:
  - a. Duplex Dwelling: 30,000 sq ft per dwelling unit
  - b. Multi-family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads)
3. Minimum Road Frontage: 100 ft
4. Setbacks:
  - a. Minimum Front Setback measured from the right-of-way: 20 ft
  - b. Minimum Side and Rear Setback: 20 ft
5. Maximum Height: 55 ft
6. Back Lots – does not apply to subdivisions approved after 1986 a.
  - Access via Right-of-Way: 20 ft minimum in width
  - b. Minimum Setbacks: 20 ft c.  
Maximum Height: 55 ft

5. Village District Zone.

a. Purpose.

The Village District area shall be a mixed residential, commercial and municipal service area. Architectural design matching the historical character and small-town image of the area shall be applied to all new construction and maintenance of existing buildings.

b. Permitted Uses.

1. Residential Uses:

- a. Single family detached dwellings, which may include manufactured housing, but shall not include mobile homes or doublewides.
- b. Two family dwellings which may include manufactured housing, but shall not include mobile homes or doublewides.
- c. Multi-family dwellings which may include manufactured housing but shall not include mobile homes or doublewides.

2. Commercial Uses:

- a. Retail businesses, street vendors with less than 64 square feet of sales area, pushcarts, service businesses, and professional offices.

3. Municipal and Other Governmental Uses

4. Institutional Uses

5. Mixed Uses Including Home Occupations:

- a. Residential use and non-residential use are permitted on the same lot in the Village District (this includes only those uses otherwise allowed in the Village District).

6. Accessory Apartment

7. Amusement Facility

8. Aquaculture

9. Bed and Breakfast

10. Boarding and Lodging Facility

11. Cemetery

12. Community Living Facility

13. Condominium

14. Day Care Facility

15. Duplex

16. Essential Services

17. Governmental Facility
18. Home Occupation
19. Hotel
20. Library
21. Manufactured Housing
22. Marina
23. Medical Marijuana Registered Caregiver (subject to Section 614)
24. Multi-family Dwelling
25. Municipal Facility
26. Museum
27. Place of Worship
28. Professional Office
28. Public Facility
29. Residential Dwelling Unit
30. Residential Institution
30. Restaurant
31. Retail Use
32. Sanitary Facilities
32. Seasonal Dwelling
33. Solar Energy System, Accessory
34. Timber Harvesting
35. Veterinary Clinic
35. Yard Sale

c. Prohibited Uses

1. All uses not specifically permitted in 504.5.b are prohibited. In addition, commercial towers, new and used motor vehicle sales, unlicensed massage businesses, street vendors utilizing more than 64 square feet of sales area, and any uses prohibited in the Naples Shoreland Zoning Section 15 G are not permitted in the Village District.

d. Dimensional Standards. The following space and bulk standards shall apply in the Village District:

1. Minimum Lot Size
  - a. Lots without access to public water and sewer: 40,000 sq ft
  - b. Lots served by public water and sewer: 15,000 sq ft
2. Setbacks:
  - a. Minimum Front Setback measured from the right-of-way:

20 ft

b. Minimum Side and Rear Setbacks: 20 ft

3. Minimum Road Frontage: 100 ft
4. Maximum Height: 55 ft
5. Maximum building coverage: 50%
6. Maximum impervious area: 75%

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## Section 607 Home Occupation

1. Purpose. The purpose of this section is to ensure home occupations balance the economic and community benefits of allowing home-based businesses with the goal of protecting the quality of life of the surrounding residential neighborhood from unreasonable or unsafe intrusions and nuisances inappropriate to a residential setting. Regulation of home occupations should not prohibit beneficial and unobtrusive uses and should provide standards to protect health, safety and general welfare of the surrounding neighborhood.
2. Applicability. These regulations take a two-tier approach to regulating home occupations. At the least intrusive level are business activities that by their nature and intensity will be compatible with a residential location. These types of businesses are considered minor home occupations and require only review by the Code Enforcement Officer for compliance with the standards. A major home occupation in a residential district has the potential to be incompatible with its neighborhood setting. Therefore, a public hearing with notification to abutting property owners and Planning Board approval is necessary. A more extensive business activity that does not satisfy the standards for a major home occupation is treated as a type of commercial use and does not qualify as an acceptable type of home occupation. Such businesses should be located in an appropriately zoned area of the Town.
3. A Home Occupation, Minor shall not utilize more than twenty percent (20%) of the total floor area of the dwelling unit. In the case the Home Occupation utilizes more than twenty percent (20%) of the total floor area of the dwelling unit; it should be considered a Home Occupation, Major.
4. A Home Occupation, Major shall not utilize more than fifty percent (50%) of the total floor area of the dwelling unit.
5. Home Occupation, Minor
  - a. Permit Required. A permit must be obtained from the Code Enforcement Officer prior to the installation of a Home Occupation, Minor.
  - b. The granting of a home occupation shall apply to the applicant only while the applicant resides at the property.
  - c. Standards.
    - i. Compliance with the definition of Home Occupation. The Home Occupation, as an accessory use, must be secondary to the dwelling use for living purposes and does not change the character thereof. The occupation or the office must be wholly located within the principle or accessory structure.
    - ii. Employment. Home occupation or office will be managed by a member of the family residing within the dwelling unit. Up to two (2) employees on

- premises at one time who do not reside in the dwelling may be employed in a home occupation.
- iii. Outdoor Storage and Exterior Displays. Outdoor storage, exterior displays, and exterior indication of the Home Occupation will not be permitted.
  - iv. Business Hours. Business activities involving clients or customers on the premises or vehicular traffic to and from the premises must not be conducted between the hours of 7PM and 8AM, except for a Bed and Breakfast or a Daycare Facility.
  - v. Parking. A plan must be submitted to the Code Enforcement Officer showing sufficient and safe parking for customers, clients, and workers use during normal business operations.
  - vi. Signage. Not more than one (1) sign will be permitted and must not be more than three (3) square feet. Any Signage must meet the standards in Section 700.
  - vii. Noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare will not be detectable beyond property limits.
- d. Conditions. The Code Enforcement Officer may place conditions on the Home Occupation to minimize impacts on area properties. The conditions must be related to the Code Enforcement Officer's findings on the standards of Home Occupation.
6. Home Occupation, Major
- a. Approval Required. Planning Board approval, including public notice and a public hearing, must be obtained prior to the installation of a Home Occupation, Major.
  - b. The granting of a Home Occupation shall apply to the applicant only while the applicant resides at the property.
  - c. Standards.
    - i. Compliance with the definition of Home Occupation. The Home Occupation, as an accessory use, must be secondary to the dwelling use for living purposes and does not change the character thereof. The occupation or the office must be wholly located within the principle or accessory structure.
    - ii. Employment. There must be no more than five (5) persons on premises at one time, inclusive of residents employed by the Home Occupation.
    - iii. Outdoor Storage and Exterior Displays should be minimized to the greatest extent possible. All outdoor storage of equipment, or items associated with the home occupation must be screened from view of abutting properties and from all streets.
    - iv. Business Hours. Business activities involving clients or customers on the premises or vehicular traffic to and from the premises must not be conducted between the hours of 7PM and 8AM, except for a Bed and Breakfast or a Daycare Facility.
    - v. Parking. A plan must be submitted to the Planning Board showing sufficient and safe parking for customers', clients', and workers' use during normal business operations to prevent parking from overflowing off the site. The creation of more than four (4) off-

- street parking spaces must be located, designed, screened, and landscaped to minimize adverse impact on abutting properties.
- vi. Signage. Not more than one (1) sign will be permitted and must not be more than three (3) square feet. Any signage must meet the standards in Section 700.
  - vii. Noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare will not be detectable beyond property limits.
- d. Conditions. The Planning Board may place conditions on the Home Occupation to minimize impacts on area properties. The conditions must be related to the Planning Board's findings on the standards of Home Occupations set forth in Section 6.c. in this Ordinance.

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